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CRIME: VIOLENCE AND THE ELDERLY

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HEARING

BEFORE THE

SELECT COMMITTEE ON AGING
HOUSE OF REPRESENTATIVES

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NINETY-NINTH CONGRESS

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CRIME: VIOLENCE AND THE ELDERLY

TUESDAY, OCTOBER 22, 1985

House of Representatives,
Select Committee on Aging,
Washington, DC.

The committee met, pursuant to notice, at 10:01 a.m., in room 345, Cannon House Office Building, Hon. Edward R. Roybal (chairman of the committee) presiding.

Members present: Representatives Roybal, Mica, Crockett, Wise, Stallings, Rinaldo, Shumway, Snowe, McCain, Gekas, Blaz, Kolbe, and Schuette.

Staff present: Fernando Torres-Gil, staff director; Roger Thomas, general counsel; and John Vihstadt, minority counsel.

OPENING STATEMENT OF CHAIRMAN EDWARD R. ROYBAL

Mr. Roybal. The committee will come to order.

This hearing is being conducted today to address the problems of crimes against the elderly. I would like to acknowledge the leadership of ranking minority member Congressman Rinaldo in calling for a hearing on this subject by the committee.

Crime against the elderly is a subject which deserves the closest and most compassionate consideration not only by the members of this committee, but by members of law enforcement, the executive branch, judges, and by all those private and public agencies which seek to conduct and to protect and to defend the interests of older Americans.

A crime against any person can be a devastating experience, but particularly those crimes which are perpetrated against the elderly, which carry potentials of beatings with physical injuries that never heal; robberies that take more than precious property, that steal the very sense of emotional and psychological well-being that enables us to function in daily life; crimes of fraud and deceit which deprive its elderly victims of not only hard earned savings, but make victims ashamed to reveal the crime to family members and friends or even to the law enforcement authorities.

More must be done to protect the elderly from crimes generally, and most particularly from violent crimes which threaten the very lives of the elderly. More should mean that our law enforcement authorities that are State, local, and Federal both identify and vigorously prosecute those individuals who select the elderly as their victims. More includes stiffer sentences for crimes and monetary restitution that must be paid by those criminals who take the property, well-being, and security of elderly victims.

Today we will hear from both criminal justice experts and elderly crime victims regarding their experience and how they view crime against the elderly. It is my hope that this hearing will serve to identify those areas which need further consideration and further action in assuring that older Americans are safe and secure from crime.

It is my pleasure now to recognize the ranking minority member of this committee, Mr. Rinaldo.

STATEMENT OF REPRESENTATIVE MATTHEW J. RINALDO

Mr. RINALDO. Thank you, Mr. Chairman. First of all, I want to commend you for your diligence and for calling this hearing this morning to examine violent crime against the elderly. It is a topic that certainly concerns elderly people from east to west and north to south and I would like to request unanimous consent at this time to submit my full opening statement into the record. I will summarize it, if I may?

Mr. ROYBAL. Without objection, it will be the order.

Mr. RINALDO. As you know, I brought the Aging Committee to my home State of New Jersey in February of this year to obtain first hand the views of older New Jerseyans on this critical issue. The message came through loud and clear.

For far too long our society has been more concerned with the rights of the criminal than the rights of the victim and it is about time this situation was changed.

I want to welcome today Mrs. Blanche Zidonik, a witness at my hearing in New Jersey, who was violently assaulted at a municipality, Springfield, NJ, in my congressional district. She is here today to tell the full committee her personal experience.

In my view it is a national scandal that so many of our senior citizens live in fear of crime. In the past 10 years the Justice Department's National Crime Survey reports that the violent crime rate, including murder, rape, assault, and robbery, is up nearly 46 percent. In 1984 alone nearly 24 million households were victimized by at least one crime of violence or theft.

In my own State of New Jersey there was a criminal offense committed at the rate of one every minute and 22 seconds.

Older individuals have much greater difficulty recovering from a crime, physically, economically, and psychologically. Even minor injuries may send a senior citizen down an irreversible path of chronic disability and ultimately institutionalization. Hospital bills may bankrupt them. Worst of all is the mental trauma and torment a victim and his or her loved ones face.

The tragic truth is that all senior citizens are victims of crime, not just those who have been robbed or assaulted on the streets or had their homes burglarized. Many older Americans, afraid to venture outside even during daylight, are virtual prisoners in their own homes. In too many cases street criminals out on bail, probation, or parole, continue their criminal lifestyle and terrorize our citizens. Juveniles commit the bulk of crime. Yet less than 5 percent go to prison.

In relation to total crime, few criminals are caught, fewer are convicted, and fewer still suffer the serious consequences they deserve.

Yet, despite these facts, we are beginning to make headway in the battle against crime. According to an Aging Committee survey which I initiated, many States have tough new laws in place. Most encouraging of all is the number of senior citizens directly involved in crime prevention, looking out for their neighbors and helping the police. But obviously we need to do more.

First of all, the Federal Government must continue to set an example by reestablishing the death penalty for certain crimes. Secondly, the Congress must continue financial assistance for State and local anticrime efforts and programs to help victims and their families. Finally, I call on the Congress to enact legislation which Chairman Roybal and I have introduced.

H.R. 3120 would establish a special elderly crime prevention and victim assistance unit in the Justice Department. One central office would be responsible for coordinating all Federal anticrime efforts and would provide assistance to States and localities and senior citizens who are most vulnerable, to combat crime and assist victims.

Working together, with everyone's help, with the kind of legislation in place that we need, we will make substantial progress in the war against crime. Older Americans deserve no less.

Also, Mr. Chairman, I want to recognize and welcome an Assistant Attorney General, Lois Herrington, who is one of our witnesses today, and is doing an excellent job in this area. Thank you.

[The prepared statement of Representative Rinaldo follows:]

PREPARED STATEMENT OF REPRESENTATIVE MATTHEW J. RINALDO

Thank you, Mr. Chairman. I want to commend you for calling this hearing to examine violent crime against the elderly. I brought the Aging Committee to my home State of New Jersey in February of this year to obtain first-hand the views of older New Jerseyans on this critical issue. The message came through loud and clear: for far too long, our society has been more concerned with the rights of the criminal than the rights of the victim and it's high time that this situation was changed!

I want to welcome Mrs. Blanche Zidonik, a witness at my hearing in New Jersey. She is here today to tell the full committee her personal experience.

In my view, it is a national scandal that so many of our senior citizens live in fear of crime. But it's no wonder. In the past ten years, the Justice Department's national crime survey reports that the violent crime rate—including murder, rape, assault and robbery—is up nearly 46 percent. In 1984 alone, nearly 24 million households were victimized by at least one crime of violence or theft.

In my own State of New Jersey, there was a criminal offense committed at the rate of one every minute and 22 seconds. In 1984, New Jersey citizens lost $340 million in stolen property—only a third of which was recovered. Older individuals have much greater difficulty recovering from a crime physically, economically and psychologically. Even minor injuries may send a senior citizen down an irreversible path of chronic disability and ultimately, institutionalization. Hospital bills may bankrupt them.

The fixed-income elderly are hard-pressed to recover from even small economic losses. The theft of a radio or television can lead to loss of communication with the outside world. Worst of all, is the mental trauma and torment a victim, and his or her loved ones, face.

The tragic truth is that all senior citizens are victims of crime—not just those who hve been robbed, or assaulted on the streets, or who have had their homes burglarized. Many older Americans, afraid to venture outside even during daylight, are virtual prisoners in their own homes.

In too many cases, street criminals out on bail, probation or parole, continue their criminal lifestyle and terrorize our citizens. Juveniles commit the bulk of crime, yet less than five percent go to prison.

In relation to total crime, few criminals are caught, fewer are convicted, and fewer still suffer the serious consequences they deserve. Yet despite these facts, I'm convinced we're beginning to make headway in the battle against crime. In 1984, with my strong support and the support of every Congressman here today, the Congress passed tough new legislation to crack down on Federal criminal offenses.

This legislation greatly restricts the insanity defense. It allows a court to deny bail under certain circumstances. It abolishes parole in favor of fixed and certain sentences. And it includes a provision I've worked for since coming to Congress—a mandatory five-year jail term for use of a gun in violent crimes.

The Justice Department is now providing Federal assistance to States and localities for anti-crime efforts, and Federal money is now available for victims' compensation programs. According to an Aging Committee survey which I initiated, many States also have tough new laws in place. Most encouraging of all is the number of senior citizens directly involved in crime prevention—looking out for their neighbors and helping the police. But we need to do more.

First, the Federal Government must continue to set an example by re-establishing the death penalty for certain crimes. Second, the Congress must continue financial assistance for State and local anti-crime efforts and programs to help victims and their families. Finally, I call on the Congress to enact legislation which Congressman Roybal and I have introduced.

H.R. 3120 would establish a special elderly crime prevention and victim assistance unit in the Justice Department. One central office would be responsible for coordinating all Federal anti-crime efforts and provide assistance to States and localities and senior citizens to combat crime and assist victims.

Working together, with everyone's help we will make substantial progress in the war against crime. Older Americans deserve no less. Thank you.

[Additional material submitted for the record by Mr. Rinaldo follows:]

[From the Congressional Record, Aug. 1, 1985]

SUPPORT ELDERLY CRIME PREVENTION AND VICTIM ASSISTANCE ACT OF 1985

Mr. RINALDO. Mr. Speaker, as ranking minority member of the Select Committee on Aging, I am increasingly concerned about the rising tide of violent crime aimed at our Nation's elderly. I will cite just a few graphic examples:

A 69-year-old New Jersey woman was mugged on the steps of her home as she returned from a baby-sitting job. As a result of injuries sustained in the encounter, she is no longer able to drive, and faces physical therapy bills of $45 per hour. Although she was able to give police a detailed description of her attacker, he remains at-large.

An 89-year-old Illinois man was robbed in the elevator of a public housing project. The take: $4.90 and his wedding ring.

The home of an 83-year-old California man has been invaded six times in 2 years.

A New York woman of 72 was robbed of her purse and sexually assaulted at knifepoint on the street. She dropped dead of a heart attack 4 hours later.

Serious crime—murder, rape, arson, assault, robbery and burglary—affects 1 out of 10 households in this country each year. The rate of serious crime has jumped over 20 percent in the past two decades to the point where nearly 37 million Americans were victims of crime in 1983. Older individuals have an even more difficult time recovering from a criminal incident physically, economically, and psychologically than do younger victims.

The truth is that all senior citizens are victims of crime—not just those who have been robbed, or assaulted on the streets, or who have had their homes burglarized. Many older Americans, afraid to venture outside even during daylight, are virtual prisoners in their own homes.

I believe Congress can do more to help senior citizens. Federal anticrime activities affecting the elderly are now scattered through at least eight offices in three separate Cabinet departments, making it difficult for other Federal agencis, State and local governments, the law enforcement community and private citizens to learn exactly what is being done and what resources are available to help combat crime. Currently, five distinct offices in the Justice Department have responsibility for some aspects of the elderly crime problem. The Department of Housing and Urban Development shares responsibility for crime prevention in federally subsidized housing projects, and the Department of Health and Human Services' Administration on Aging is authorized to undertake a variety of anticrime initiatives on behalf of older Americans.

On July 30, Mr. Speaker, I introduced the Elderly Crime Prevention and Victim Assistance Act of 1985 to help remedy this current Federal hodge-podge and establish one central office to coordinate Federal crime prevention and assistance programs for the elderly and provide centralized information and technical aid on: Elderly crime statistics; training of judicial and law enforcement officers to address the needs of older individuals who are victims of crime; financial assistance available to carry out State and local programs which assist older victims; and research on, or assistance for, the reduction and prevention of crimes committed against older individuals.

My bill also requires this office to serve as a liaison with all Federal departments and agencies having aging programs, in order to enhance communication and ensure that opportunities for coordinated anticrime and victim assistance activities are maximized. It does not call for the establishment of a costly new bureaucratic layer of administration.

I am particularly pleased to note that joining me as original cosponsors of this legislation are Mr. Roybal, the chairman of the Select Committee on Aging, Mr. Biaggi, the chairman of the Aging Committee's Subcommittee on Human Services who, as a former police officer, has an especially strong interest in fighting crime against the elderly, Ms. Snowe, the ranking minority member of the Human Services Subcommittee, and Aging Committee colleagues, Mr. McCain, Mr. Vento, Mr. Manton, and Mr. Saxton.

I encourage all of my colleagues in the House to cosponsor H.R. 3120 and urge that the House Judiciary Committee hold hearings as soon as possible.

The text of the bill follows:

H.R. 3120

A bill to establish in the Department of Justice the National Resource Office Relating to Crimes Against Older Individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elderly Crime Prevention and Victim Assistance Act of 1985".

SEC. 2. NATIONAL RESOURCE OFFICE RELATING TO CRIMES AGAINST OLDER INDIVIDUALS.

(a) Establishment of Office.—There is hereby established in the Office of Justice Programs of the Department of Justice the National Resource Office Relating to Crimes Against Older Individuals.

(b) Head of Office.—The Office shall be headed by an Administrator who shall be appointed by the Attorney General from among employees of the Department of Justice.

(c) Duties of Administrator.—The duties of the Administrator are—

(1) to coordinate the activities of the Department of Justice which relate to—

(A) training of judicial and law enforcement officers to address the needs of older individuals who are victims of crime,

(B) providing financial assistance to carry out State and local programs which assist older individuals who are victims of crime,

(C) compiling and disseminating statistical information on crimes committed against older individuals, and

(D) research on, or assistance for, the reduction and prevention of crimes committed against older individuals,

(2) to establish a liaison with all Federal departments and agencies which carry out programs involving older individuals who are or may be victims of crime and to collect from such departments and agencies information regarding the operation of such programs,

(3) to disseminate to older individuals, organizations representing older individuals, law enforcement organizations, and State and local agencies information regarding the activities coordinated under paragraph (1) and information collected under paragraph (2), and

(4) to provide to such individuals, organizations, and agencies technical assistance to reduce or prevent the committing of crimes against older individuals.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Offices" means the National Resource Office Relating to Crimes Against Older Individuals, and

(2) the term "older individual" means an individual who is 60 years of age or older.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on October 1, 1985.

(Also cosponsored by Representatives Swindall, Oakar, and Lehman of Florida.)

Mr. ROYBAL. Thank you, Mr. Rinaldo. The Chair recognizes Mr. Mica.

STATEMENT OF REPRESENTATIVE DAN MICA

Mr. MICA. Thank you, Mr. Chairman. I would like to just take an opportunity to thank Chairman Roybal and Congressman Rinaldo for holding these hearings. As I am sure they know, my district is comprised of a citizenry that is over 44 percent above the age of 65. The increase in violent crime in America is a problem which disturbs us all, particularly in Florida.

We as Members of Congress must pay special attention to a group that is affected by violent crime far more than others.

We have also learned something about the economics of crime against senior citizens. It usually will take senior citizens a great deal longer to recover, not only physically but economically from crime, violent crime, because they don't have the resources to cover their losses, so that in addition to the constant physical concern from threats of being caged up in their own homes because they are afraid to go out, there is also that financial fear which is one of the greatest fears. Because of their vulnerability many of our elderly become victims of the easy ripoff, because they lack the capacity to easily recover and these crimes may haunt them the rest of their lives. So I thank the chairman for this opportunity and let me just add this. I attended a hearing in another part of the country where during the hearing, at a senior citizen's residence, outside the courtroom, a car was being stolen, a senior's automobile taken during our congressional hearing.

Condos in Florida have walls and gates and guards and security devices. We had an incident here recently where individuals were mugged on the golf course. The crimes are no longer confined just to the urban areas and the cities. It is happening everywhere that seniors exist and live in large numbers.

I will again commend the chairman and apologize that I will not be able to stay for the entire period. But this is a subject that is of intense interest to all of us on the Commission and particularly in Florida.

Mr. ROYBAL. Thank you, Mr. Mica. Now, next, Mr. Gekas.

STATEMENT OF REPRESENTATIVE GEORGE W. GEKAS

Mr. GEKAS. Thank you, Mr. Chairman. The Congress in the last session enacted the comprehensive crime package, and insofar as these new laws have strengthened the hand of law enforcement generally, they have helped in the area in which we are pursuing testimony here today. That is, the tightening up of the laws generally has helped all citizens, including senior citizens, in bail reform, in sentencing reform, in some mandatory sentencing for some of the vicious crimes. But that Congress, just like this one, has failed thus far to pursue some other remedies, specific remedies for victims of crimes, victims who happen to be senior citizens, as well as what Congressman Rinaldo had referred in his comments, the absence of a death penalty statute for crimes including the kind that we saw on the high seas just a few weeks ago, also where the victim was a senior citizen and an American, and all the other crimes that deserve as a deterrent and as a just remedy the imposition of capital punishment.

So we look forward to these hearings, but I ask all the witnesses and the members who are listening to the testimony to keep in mind that the comprehensive crime package was a good starting point on which we want to build.

Thank you, Mr. Chairman.

Mr. Roybal. Mr. McCain.

STATEMENT OF REPRESENTATIVE JOHN McCAIN

Mr. McCain. Thank you, Mr. Chairman. I would like to thank you and Congressman Rinaldo for calling this hearing today to address the topic of crime and its impact on America's senior citizens. Unfortunately, the most recent FBI reports conclude that the overall crime rate rose by 3 percent in the first 6 months of 1985, which reversed a downward trend from 1982 to 1984. I believe we need to examine this change closely and try to remedy the causes.

As this committee's responsibility is to the elderly, members of this committee will focus on the victimization rate for the elderly. Older individuals have a much more difficult time recovering from a criminal incident, physically, economically, and psychologically, than do younger individuals. As lawmakers I think we must ensure that adequate protections are in place for our senior citizens.

You, Mr. Chairman, and Congressman Rinaldo have joined in sponsoring legislation of H.R. 3120 which would institute a high level office in the Department of Justice to coordinate all Federal crime prevention and victim assistance efforts that pertain to senior citizens. I am happy to be a cosponsor of this legislation and I believe it is an important step forward in providing adequate protections within our system for our senior citizens.

Additionally, I would particularly like to thank Mr. Eldon Page, who is here today. He is the commander of our Sun City, AZ, Posse. He is doing a tremendous job for all the people in my home State as well as in Sun City. I think he is an outstanding and dramatic example of the kinds of community and citizen involvement efforts which provide a meaningful and important deterrent to crime.

The posse of which Eldon is the present senior member—certainly not the oldest but its most senior member—is a volunteer group of some 225 older Sun City residents. They serve as an adjunct to the county sheriff's office, and provide patrol services, search and rescue operations, and many other crime prevention services. Sun City, fortunately, enjoys a very low-crime rate which I must attribute to the services of this posse. This is one great example of community effort that works.

I hope that this hearing today inspires other local initiatives to join in the battle against crime. Mr. Chairman, if you ever have the opportunity to go out to Arizona, I know that the Sun City Posse would welcome you to see the kinds of activities that they are involved in. I hope that this kind of approach will effectively combat crime and make our streets safe to walk at night.

Again, thank you, Mr. Chairman, for having this hearing.

Mr. ROYBAL. The problem of crime and the prevention of crime is something that we must address ourselves to, not only here in Washington, DC, but throughout the country. I was just told a little while ago that it is also a problem on the island of Guam. It is therefore my pleasure to recognize the Representative from the island of Guam, Mr. Blaz.

STATEMENT OF REPRESENTATIVE BEN BLAZ

Mr. BLAZ. Thank you very much, Mr. Chairman. I just want to say a few words, to thank you and the ranking Republican for holding these hearings. I, too, am a cosponsor and I cannot let Mr. McCain's invitation to his district go without extending to you, also, the committee, to come to the American Territory of Guam. January or February is a good time, Mr. Chairman. It is 72 degrees out there.

I should also like to mention that the people of Guam have a very large and a very venerated elderly community and in the past few months, unfortunately, there have been indications of some crime against them.

At this time, I would also like to recognize the presence of Senator Matabusin from Guam—Marlin Matabusin, a leading light in the elderly program, who has come here and has decided to join us this morning.

Once again, Mr. Chairman, thank you for the opportunity to be here and for conducting the hearings.

Mr. ROYBAL. Thank you. May I also thank you on behalf of the committee for that invitation. You know, it is quite appealing. It is 72 degrees in Guam and it is probably zero here in Washington, DC. So that invitation is starting to look very good. Thank you very much.

The Chair now recognizes Mr. Shumway.

STATEMENT OF REPRESENTATIVE NORMAN D. SHUMWAY

Mr. SHUMWAY. Thank you, Mr. Chairman. I would like to commend you for convening this hearing. I think it is very timely. As I sat here listening to the other members give their opening remarks and looking at the audience, it dawned on me that the elderly in this country are now perceived by the criminal element as a very vulnerable target for their activities. Maybe this hearing can shed some insight on the reasons for that, and perhaps give us some clear indication about what we might do in terms of sharpening our law enforcement mechanisms.

It is a matter of great interest to me, and I am sure to every single Member of Congress, because it is not confined to just one area. We see it nationwide. And as we sense more keenly the responsibility we have as members of this committee to provide for the Nation's elderly, I am glad that we are approaching problems like this and deciding what we might do to alleviate this particular concern.

So, Mr. Chairman, I would like to commend you for having the hearing and I look forward to participating in it. Thank you.

Mr. **Roybal**. Thank you very much, Mr. Shumway. I would like to introduce a colleague of mine from the State of California. He is a distinguished Member of the House of Representatives. He is going to make a brief statement before the committee. May I present Mr. Dreier from California.

Will you please sit right there so we can see you right along. We want to be sure that we know who is addressing the committee.

Mr. **Dreier**. Thank you very much, Mr. Chairman.

STATEMENT OF REPRESENTATIVE DAVID DREIER

Mr. **Dreier**. Thank you very much, Mr. Chairman. I have a formal statement which I would like to enter into the record along with some supporting material, if that's acceptable.

Mr. **Roybal**. Without objection, it will be included in the record.

Mr. **Dreier**. Great. Thank you very much.

I would first like to commend the members of the committee and you, Mr. Chairman, for holding these very important hearings.

The criminal victimization of elderly Americans has been prevalent in our society for far too long. I am convinced that there is a great deal more that we in Congress can do to protect our senior citizens, and I am honored to be here and hope that I can assist this committee in finding solutions to what I view as a national crisis.

Mr. Chairman, I am here today out of a very deep concern for the safety and welfare of our Nation's elderly. As a charter member of the Republican Research Committee's Task Force on Crime, I have been a strong proponent of legislation to make our citizens more secure in their homes and on the streets.

As you know, criminal acts against the elderly may vary in size and nature, but the one aspect of crime I want to focus on today is burglary. I have chosen burglary for several important reasons.

In 1984 burglary accounted for one of every four crimes reported. Nearly three-quarters of a million elderly citizens were victims of burglary last year. In all, almost 23 million homes—that's one in four—were touched by crime in 1984. In addition to that, burglary arrests are the hardest to make of all reported crimes.

I have some very interesting figures here that have just been given to us from the Justice Department. Now catch this figure.

First of all, the arrests made for reported burglaries in 1984 were only 14 percent. If all the reported burglaries only 14 percent arrests were made. That compares to an unbelievable 74 percent arrest rate for murder, 61 percent for aggravated assault, and 54 percent for forcible rape. Again, only 14 percent of reported burglaries actually saw arrests take place.

There is no doubt that the overall rate of crime has been declining and we are all very gratified to see that news, but the number still remains staggering, Mr. Chairman. And as you know, I have introduced legislation which I believe could bring about a more drastic reduction of instances in which the homes of the elderly are violated.

My proposal outlined in H.R. 1268, which I am very pleased to say you, Mr. Chairman, have cosponsored, actually allows individuals a 25-percent income tax credit up to $125 for expenditures made for the purchase of locks, alarms, or other security devices for their principal residence.

The bill—and what's very important to this committee—offers a 100-percent tax credit for the elderly who, as this committee knows, are heavily victimized by the fear of crime and suffer most acutely from crime-related physical injury and financial loss. Federal income tax credits along the lines of those proposed in my bill would be an effective supplement to many of the highly successful initiatives that have been undertaken nationwide to combat crime against the elderly.

One example from our home State of California, Mr. Chairman, is the one demonstrated by Governor Deukmejian, of which I am very impressed. He has made effective use of the States Community Crime Resistance, known as the CCR Program. Through this program comprehensive crime prevention and safety assistance is channeled to the States senior citizens. The California Legislature appropriated over $5 million in State funds to the program which has, as one of its components, the requirement that all grand-funded agencies provide comprehensive services such as workshops and presentations to help senior citizens combat crime.

Since the beginning of 1983 the program has provided emergency services, escort services, referral services, and victim assistance to over 65 seniors. In addition, over 6,000 seniors have received free deadbolt lock installations, operation identification services, and home security inspections. Another 34,000 have participated in safety presentations and crime prevention workshops.

Now, on the local level, which is very important to all of us, we have got to observe that communities around the country are taking greater initiative to fight crime. One of the most popular and effective programs is the Neighborhood Watch Program. And I would like to add, parenthetically at this point, that it is important for us to note that it was within Chairman Roybal's district that a group of very committed individuals, as a group, got together and arrested and tackled the night stalker late last summer, and that is something of which I know he is very proud.

Along with the Neighborhood Watch Program, its counterpart, the Operation Identification Registry Program, has also been very successful.

It is widely recognized, however, that these programs alone do not provide enough protection to make significant progress in reducing crime. People are today becoming very frustrated with their inability to act adequately to protect their lives and their property. They simply need more help.

In my district, for instance, the police chief of the city of Claremont, Charles Lines, told me when I asked him for input on this legislation that in many of the Neighborhood Watch Program meetings people agree that they need better security for their homes but unfortunately many of them just cannot afford the cost of materials and labor. He noted that it is especially true for the elderly who are on fixed incomes and are not physically able to do the installations themselves.

What Chief Lines and other crime prevention experts around the country have recognized is that the most effective way to deter a burglar is by securing one's home. This is the key incentive in H.R. 1268. Case studies show that criminals avoid premises protected by security devices such as locks and alarms. More important, Mr. Chairman, tax incentives are the most efficient and effective method of encouraging the purchase of home security devices.

To explain what I mean, Chief Lines told me about some of the problems the city of Claremont was having, in getting Federal grant money. He said that during the last decade there were some attempts to get Federal funds for programs whereby law enforcement officials would install deadbolts in senior citizens' homes. But he said that these grants were so encumbered with paperwork that it was almost impossible to get them. He believes that a tax credit program is better because it is less bureaucratic. In fact it is not bureaucratic at all, so it is no longer hampered with the paperwork problems that they have found.

Tax incentives to encourage security, I believe, can provide that missing link to the vast array of Federal, State, and local efforts that are made to combat crime. There is no program that I know of today that could successfully prevent a determined burglar from entering an unsecured home. And believe me, there are many unsecured homes.

And here are some other statistics which we just got which are also very shocking.

A Gallup poll that was taken a couple of years back found that only 5 percent of the respondents 50 years of age and older had a burglar alarm installed in their home. Only 16 percent of those respondents said that they installed burglarproof locks.

A tax credit program could, Mr. Chairman, make the difference, as the La Habra Heights city manager, also in my district, Bob Gutierrez, told me: H.R. 1268 may just be that extra push that is needed to hamper the efforts of criminals and ensure greater safety for residents and their property.

Of course, Mr. Chairman, there are those who are rightfully concerned that in this time of high Federal deficits we cannot afford another tax credit program. But we of course know that tax reform is a big issue which is before us. But I believe that if we look at the overall picture, the cost-to-benefit ratio clearly favors such a program.

Consider what crime does. It strains community resources, it creates insecurity among residents, and results in property loss and physical and emotional injury. To make matters worse, police budgets are in many locales being cut back and in others frozen. As a result, law enforcement efforts are struggling to keep up with burglary reports and various other forms of crime.

Given all of this, Mr. Chairman, I believe the cost to the U.S. Treasury for a tax credit program equal to H.R. 1268 would be dwarfed by the savings that could be achieved by the crime prevention incentives that it creates. In 1984 alone, burglary victims suffered losses estimated at $2.7 billion. That is an average of $900 per burglary. And this only includes cash and property loss. I believe we would see a dramatic drop in these figures, and also in the cost of insuring one's home from burglary, with this measure.

In fact, one insurance group told me that in their homeowner's program they incorporate a rule which provides premium credits for various kinds of protective devices.

Mr. Chairman, we look forward to the testimony provided by these very able witnesses we are going to be hearing from today, and it is very unfortunate that they have been victims of crime.

I am convinced that a tax credit program along the lines of H.R. 1268 is needed to protect those who are most vulnerable to today's criminal elements, the elderly. And I think that the city manager in Covina, CA, Richard Miller, put it best when he said, "The loss to the Treasury is a small price to pay in waging a war against those who violate our homes and property."

Again, Mr. Chairman, I very much thank you and the committee for calling these very important hearings. I hope that today's hearing will result in effective action being taken at all levels of society to fight those elements of our population who threaten the safety and security of senior citizens and all Americans. Thank you very much, Mr. Chairman.

[Additional material submitted by Mr. Dreier follows:]

I

99TH CONGRESS
1ST SESSION

H. R. 1268

To amend the Internal Revenue Code of 1954 to allow individuals a credit against income tax for the purchase and installation of locks and other security devices on residences.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1985

Mr. DREIER of California introduced the following bill; which was referred to the Committee on Ways and Means

---

A BILL

To amend the Internal Revenue Code of 1954 to allow individuals a credit against income tax for the purchase and installation of locks and other security devices on residences.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR RESIDENTIAL SECURITY DEVICES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. RESIDENTIAL SECURITY DEVICES.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the qualified security device expenses paid or incurred by the taxpayer during the taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by this section for the taxable year with respect to a residence shall not exceed $125.

"(c) QUALIFIED SECURITY DEVICE EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified security device expenses' means expenses for a new security device (and for the original installation thereof) installed in or on a dwelling unit—

"(A) which is located in the United States, and

"(B) which is used as a residence by the taxpayer.

"(2) NEW SECURITY DEVICE.—

"(A) IN GENERAL.—The term 'new security device' means any equipment—

"(i) which is designed to provide warning of, or as a deterrent to—

"(I) unlawful entry of a dwelling unit, or

"(II) unlawful injury to an individual or property located in a dwelling unit,

"(ii) the original use of which begins with the taxpayer, and

"(iii) which meets the performance and quality standards (if any) which have been prescribed by the Secretary (after consultation with appropriate industry representatives) and which are in effect at the time of the acquisition of the item.

"(B) CERTAIN ITEMS INCLUDED.—For purposes of subparagraph (A), the following items shall be treated as described in clause (i) thereof:

"(i) a lock or alarm for a door or window,

"(ii) security lighting, and

"(iii) protective window and door bars.

"(3) DWELLING UNIT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'dwelling unit' includes—

"(i) a house, apartment, condominuim, mobile home, boat, van, or recreational vehicle, and "(ii) all structures and other property appurtenant to property described in clause (i).

"(B) SPECIAL RULE FOR BOATS, VANS, ETC.—A boat, van, or recreational vehicle shall be treated as a dwelling unit only if it is so used for a continuous period of at least 60 days during the taxable year.

"(d) 100 PERCENT CREDIT FOR INDIVIDUALS WHO HAVE ATTAINED AGE 65.—In the case of an individual who has attained age 65 before the close of the taxable year, subsection (a) shall be applied by substituting '100 percent' for '25 percent'.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) SIMILAR RULES.—Rules similar to the rules of paragraphs (1), (2), (3), and (4) of section 23(d) shall apply for purposes of this section.

"(2) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from the expenditure shall be reduced by the amount of the credit so allowed.

"(3) BUSINESS AND INVESTMENT PROPERTY INELIGIBLE FOR CREDIT.—No credit shall be allowed under this section with respect to any property if an investment credit is allowable under section 38 with respect to such property."

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking out "and" at the end of paragraph (26), by striking out the period at the end of paragraph (27) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(28) to the extent provided in section 25A(e)(2), in the case of property with respect to which a credit has been allowed under section 25A."

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting before the item relating to section 26 the following new item:

"Sec. 25A. Residential security devices."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1984.

○

[illegible]

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JOINT COMMITTEE ON TAXATION
1015 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

DAVID H. BROCKWAY
CHIEF OF STAFF

RANDALL D. WEISS
DEPUTY CHIEF OF STAFF

OCT 18 1985

Honorable David Dreier
House of Representatives
Washington, D.C. 20515

Dear Mr. Dreier:

This is in response to your letter requesting a revenue estimate of a variation of your bill H.R. 1268, which provides a tax credit of 25 percent (100 percent for the elderly), up to $125, for the purchase of home security devices. If the provisions of this bill were limited to the elderly, the revenue effect would be a loss of less than $50 million per year.

Sincerely,

David H Brockway

David H. Brockway

NINETY-NINTH CONGRESS, 1ST SESSION

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JOINT COMMITTEE ON TAXATION
1015 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

DAVID H. BROCKWAY
CHIEF OF STAFF

RANDALL D. WEISS
DEPUTY CHIEF OF STAFF

JUN 4 1985

Honorable David Dreier
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Dreier:

This is in response to your request for a revenue estimate of H.R. 1268. This bill would allow individuals a 25% nonrefundable credit (100% in the case of persons 65 and older) against tax for the purchase and installation of locks and other security devices on personal residences. The credit is limited to $125 per year and would apply to taxable years beginning after December 31, 1984.

The following is a preliminary estimate of the revenue effect of this bill.

	Fiscal Years - Billions of Dollars				
	1985	1986	1987	1988	1989
25% Home Security Credit	*	-0.1	-0.1	-0.2	-0.2

* - negligible

Sincerely,

David H. Brockway

David H. Brockway

207 HARVARD AVE. • P.O. BOX 880 • CLAREMONT 91711 • (714) 624-4531 • CITY HALL

September 5, 1985

Congressman David Dreier
410 Cannon Building
Washington, D.C. 20515

Dear David:

Claremont City Manager Len Wood asked me to respond to your request for comments on H.R. 1268, a tax credit bill for security devices. If you can use information on Claremont in your testimony, please do so.

In 1984, 441 families in Claremont had their homes or automobiles burglarized. In the first six months of 1985, 256 more families experienced this trauma. In addition to the financial loss, these victims had their privacy invaded and soiled. In many of our Neighborhood Watch Program meetings, people agree they need better security for their homes; however, they say they can't afford the cost of materials and, in some cases, the labor. This is especially true for the elderly who are on a fixed income and not physically able to do the installations themselves.

During the last ten years or so, there were some attempts to get federal funds for programs whereby law enforcement would install dead bolts in senior citizen homes. These grants were so encumbered with paperwork that they soon fell by the wayside.

H.R. 1268 appears to be a step in the right direction. It is not beauracratic in nature, thus not hampered with paperwork. If there is any weakness in the bill, it seems to be the $125 maximum. I am not sure this is enough of an incentive to motiviate seniors to secure their homes.

If you need additional information on this issue, please do not hesitate to contact me.

Sincerely,

Charles R. Lines
Chief of Police

slg/DD6

CITY OF LA HABRA HEIGHTS
1245 No. Hacienda Blvd.
La Habra Heights, CA 90631
(213) 694-6302

September 4, 1985

Honorable David Dreier
Representative, U.S. Congress
112 North Second Avenue
Covina, California 91723

Dear Dave,

Thank you for providing information on your recently introduced H.R. 1268 which would allow a 25% income tax credit, up to $125 for principle residence owners who purchase locks, alarms, etc. to better secure their homes. This bill may further motivate our residents to fully secure their homes and combat our number one community crime: burglary.

The La Habra Heights Improvement Association, in coordination with the Los Angeles County Sheriff's Department, has implemented an extensive community-wide Neighborhood Watch Program. The concerted efforts of these groups has created a solid crime prevention reputation that is causing a down turn in burglaries and other crimes in our community.

H.R. 1268 may just be that extra push towards hampering the efforts of criminals and insuring greater safety for residents and their property.

Sincerely,

Bob

ROBERT G. GUTIERREZ
CITY MANAGER

RGG:jsl

cc: Sandy Bridges, La Habra Heights Improvement Association
Captain Don Webster, Los Angeles County Sheriff's Department

SEP - 5 1985

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CHARLES WOLFARTH, Mayor Pro Tem
GENE W. BECKMAN, Councilmember
M. JAY COLLINS, Councilmember
JEAN G. GOOD, Councilmember
ROBERT G. GUTIERREZ, City Manager

CITY OF COVINA

125 EAST COLLEGE STREET • COVINA, CALIFORNIA 91723 • (213) 331-0111

CITY MANAGER'S OFFICE
RICHARD A. MILLER, City Manager

July 29, 1985

RECEIVED

AUG 02 1985

The Honorable David Dreier
Member of Congress
410 Cannon House Office Building
Washington, D. C. 20515

Dear Congressman Dreier:

I congratulate you on introducing HR 1268, which will certainly aid local governments in the ongoing fight against crime. Home burglaries are increasing significantly, and the cost in property losses and human misery is a national disgrace.

Covina is so concerned about this alarming trend, that we have adopted an ordinance requiring all new residential construction to provide an intrusion alarm terminating in our Police Department. While we recognize the cost for the installation to be between $1,200 and $1,600 depending upon the area to be covered, we are convinced that this security is tantamount to having a silent policeman on the premises.

The enactment of your resolution will assist greatly in gaining public support for our project, and to a major extent, reverse the trend.

I'm particularly impressed with the tax credit you propose for elderly citizens who are especially vulnerable to the criminal element. The loss to the Treasury is a small price to pay in waging a war against those who would violate our homes and property.

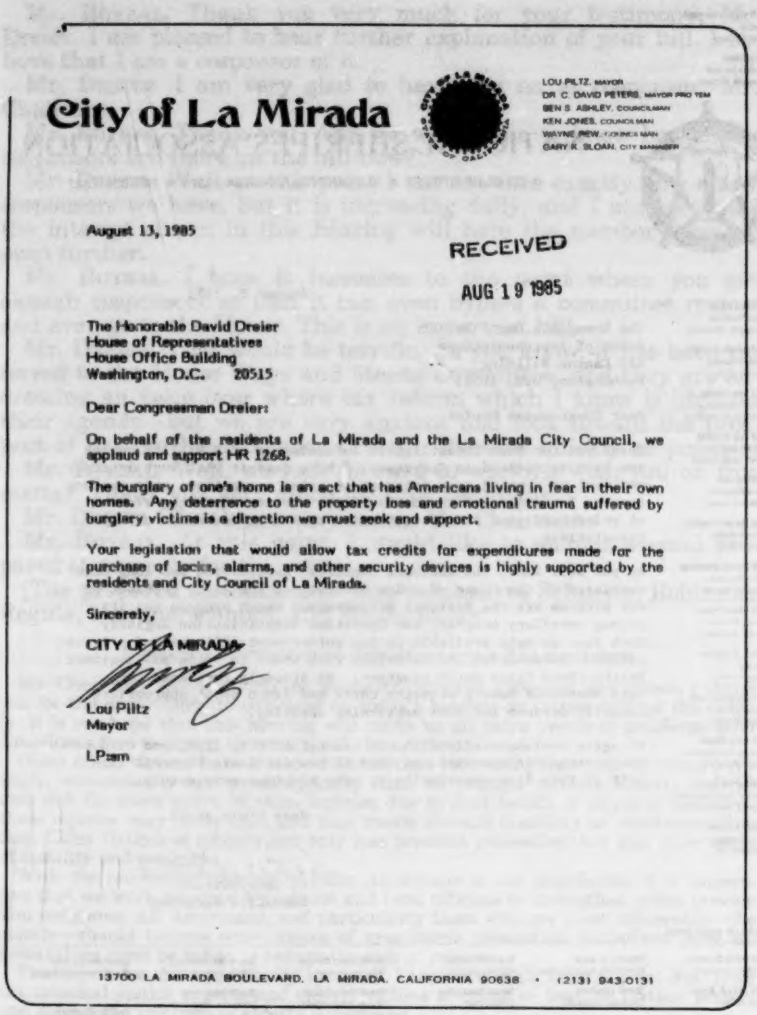
Thank you again and be assured you have the full support of the City of Covina.

Sincerely,

Dick

Richard A. Miller
City Manager

RAM:mec



City of La Mirada

LOU PILTZ, MAYOR
DR. C. DAVID PETERS, MAYOR PRO TEM
BEN S. ASHLEY, COUNCILMAN
KEN JONES, COUNCILMAN
WAYNE REW, COUNCILMAN
GARY K. SLOAN, CITY MANAGER

August 13, 1985

RECEIVED
AUG 19 1985

The Honorable David Dreier
House of Representatives
House Office Building
Washington, D.C. 20515

Dear Congressman Dreier:

On behalf of the residents of La Mirada and the La Mirada City Council, we applaud and support HR 1268.

The burglary of one's home is an act that has Americans living in fear in their own homes. Any deterrence to the property loss and emotional trauma suffered by burglary victims is a direction we must seek and support.

Your legislation that would allow tax credits for expenditures made for the purchase of locks, alarms, and other security devices is highly supported by the residents and City Council of La Mirada.

Sincerely,

CITY OF LA MIRADA

Lou Piltz
Mayor

LP:am

13700 LA MIRADA BOULEVARD, LA MIRADA, CALIFORNIA 90638 • (213) 943-0131

Sheriff Richard Bernard
President
Adrian, Michigan

L. Cary Bittick
Executive Director
Alexandria, Virginia

NATIONAL SHERIFFS' ASSOCIATION
1450 DUKE STREET • ALEXANDRIA, VIRGINIA 22314 • 703-836-7827

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New Haven, Connecticut

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Sheriff Richard J. Elrod
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Chicago, Illinois

Sheriff Louis Gianoli
Immediate Past President
Wausau, Wisconsin

Sheriff Patrick Hogan
Immediate Past President
Hartford, Connecticut

Courtney A. Evans
General Counsel
Washington, DC

August 9, 1985

The Honorable David Dreier
House of Representatives
410 Cannon Building
Washington, D.C. 20515

Dear Congressman Dreier:

Thank you for your recent letter informing us of H.R. 1268, which you have introduced in Congress. I have read it with much interest and want to commend your interest in crime prevention, your concern for the low and fixed income Americans who are often the victims of crime, and your fine presentation speech to the House of Representatives.

As you well know, the National Sheriffs' Association has long been committed to the cause of crime prevention; the major emphases of our program are the National Neighborhood Watch program and its strong corollary program, the Operation Identification Registry. Each year we make available to law enforcement officers and private citizens information and materials with which to begin and continue Neighborhood Crime Watch programs. We strongly recommend that each household have a security check and learn about appropriate security devices for that particular dwelling.

We agree wholeheartedly with the concept of H.R. 1268, and we hope the average citizen will not find it too difficult to avail himself of this fine opportunity to make his home more secure.

Very truly yours,

L. Cary Bittick
Executive Director

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*Member of the Executive Committee

Mr. Roybal. Thank you very much for your testimony, Mr. Dreier. I am pleased to hear further explanation of your bill. I believe that I am a cosponsor of it.

Mr. Dreier. I am very glad to have you on as cosponsor, Mr. Chairman.

Mr. Roybal. Thank you. And we would like to know how many cosponsors are there on the bill now?

Mr. Dreier. Well, at this point I am not sure exactly how many cosponsors we have, but it is increasing daily, and I am sure that the interest shown in this hearing will help the number increase even further.

Mr. Roybal. I hope it increases to the point where you get enough cosponsors so that it can even bypass a committee review and even go to the House. This is an important bill.

Mr. Dreier. That would be terrific. As you know, it has been referred to the House Ways and Means Committee, and they are addressing an issue over where tax reform which I know is high on their agenda—but we are very anxious and look toward the prospect of having this bill move through there as quickly as possible.

Mr. Roybal. Well, we look forward to working with you on this matter. Thank you very much for your testimony.

Mr. Dreier. Thank you very much, Mr. Chairman.

Mr. Roybal. At this point, I would like to submit several prepared statements for the record.

[The prepared statements of Representatives Schuette, Robinson, Regula, Hammerschmidt, and Snowe follow:]

Prepared Statement of Representative Bill Schuette

Mr. Chairman, fellow committee members, honored witnesses and guests, I thank you for the opportunity to comment on today's hearing on crimes against the elderly. It is my hope that this hearing will make us all more aware of problems older Americans face in trying to remain safe from crime.

Older crime victims have a more difficult time recovering from acts of crime physically, economically and psychologically than do younger victims. Elderly individuals risk far more grave physical injuries due to frail health or physical condition; these injuries may never heal and may create chronic disability or institutionalization. Older victims of robbery not only lose precious possessions but also their sense of stability and security.

With the increasing number of older Americans in our population, it is imperative that we work together with State and local officials to strengthen crime prevention programs. All Americans, and particularly those who are most vulnerable—the elderly—should become more aware of area crime prevention initiatives. And, all precautions must be taken to reduce the risk of crimes.

Thank you for this opportunity to speak. I trust we shall learn a great deal from the criminal justice experts and elderly victims of crime so that we further protect and defend the interests of elderly Americans.

Prepared Statement of Representative Tommy F. Robinson

Mr. Chairman, I am very pleased that you have called today's hearing. Crime against this nation's elderly ranks among the many pressing concerns facing our society.

Many elderly citizens live alone, often without the support of spouses, friends or nearby relatives. The frailty and physical limitations that often come with age also make them vulnerable.

The effects of crimes against the elderly are far-reaching. For the many elder citizens who live on a fixed income, theft of their money or property can be financially crippling, especially when they have no other means of support. The physical damage inflicted upon older violent crime victims is often permanent and sometimes fatal. The mental and emotional battering suffered by these victims can exacerbate feelings of helplessness and lack of control over their own destiny. The fear of crime can keep the elderly confined to their homes, increasing their sense of isolation and loneliness.

Although they are often viewed as easy targets, the elderly are, on the whole, cautious and safety-conscious. They are willing to do their part to protect themselves against crime. We must do our part.

The Justice Assistance Act, passed as part of the Omnibus Crime Act of 1984, is a good start. The Federal funds channelled to the state and local governments have enabled them to extend and initiate the sorely-needed crime prevention and victim support services. Further steps must be taken. We must prosecute more vigorously those who commit these crimes. Increased support must be made available to the victims. Financial assistance, medical treatment and emotional support is crucial in lessening the damage. Most importantly, we must send a message to the nation's elderly that we are deeply concerned and that we will try to help.

PREPARED STATEMENT OF REPRESENTATIVE RALPH REGULA

I commend the gentleman from California for providing this forum to discuss one of the most serious and complex issues confronting older Americans today. That is the problem of violent crime.

It is estimated that one out of every four households suffered serious crime, auto theft, household or personal larceny this past year. The 1985 FBI Uniform Crime Report states that the overall crime rate rose 3 percent in the first 6 months of 1985 and that violent crime increased by 4 percent.

Violent crime poses a unique threat to the elderly. Although, on the average, older Americans are far less likely to be victimized when they do experience a crime the repercussions are far more severe. The fixed income and poor elderly are especially injured by even small property losses. The fear of future victimization can lead to isolation from society and psychological distress. Furthermore, physical injury resulting from violent crime can incapacitate and institutionalize the individual.

In 1983, there were some 27.4 million people age 65 or older in our country. That figure will continue to escalate as the "baby boom" generation continues to age and eventually retires. Estimates project that by 2030 there will be about 65 million older Americans. It is the responsibility of Congress to respond to the changing needs of this ever growing segment of America's population.

According to the Justice Department the cost of arresting, prosecuting and trying a simple robbery case may range from $900 to over $33,000. In the average medium security state prison the construction cost per bed is approximately $50,000. Crime is an expensive social problem. Both State and Federal governments must use their limited resources to effectively cope with this growing problem.

I am confident that the testimony of these distinguished witnesses will provide an insight into the matter of violent crime against the elderly and the appropriate State and Federal responses.

PREPARED STATEMENT OF REPRESENTATIVE JOHN PAUL HAMMERSCHMIDT

Mr. Chairman, I'm pleased that the Select Committee on Aging is holding this hearing today so that we can take a closer look at the issue of crime and the elderly.

As the ranking minority member of the Housing and Consumer Interests Subcommittee, I have been concerned about this issue for many years. The subcommittee produced one of the first comprehensive reports on elderly crime victimization. This report provided vital background information and statistics which increased understanding and awareness of this issue.

According to the National Council on Aging, older persons continually rate the fear of crime as one of their most serious concerns. Considered by itself, this fact may not seem particularly noteworthy. However, among this population, the fear of crime outranked concerns about health, finances, or loneliness. One outcome of this fear is that many older persons are afraid to leave their homes, even during the day. The ramifications of this self-imposed isolation are great. Contact with friends becomes limited, and trips to the grocery store and doctor's office are less frequent. It's not difficult to see how this behavior can be socially, nutritionally, and medically damaging.

In response to the growing awareness of this problem, Congress recently passed comprehensive crime control legislation. It's my understanding that many States have also passed laws which impose severe penalties on criminals and provide for victim compensation. Because many of the programs available for assisting victims are administered by the States, continued cooperation among the different levels of government is, I believe, an important step toward addressing the problem of crime against older persons.

Mr. Chairman, today's hearing will give us an opportunity to evaluate the effect that Federal and State initiatives have had on controlling crime against older persons. I also hope that we will discuss the continued role of the Federal Government in assisting State and local governments in their effort to solve this problem. I look forward to hearing the testimony of our witnesses.

Prepared Statement of Representative Olympia J. Snowe

Mr. Chairman, I am pleased to be here today to participate in this hearing on the issue of violent crime against the elderly.

As we know, the effects of victimization on the elderly are devastating, reaching far beyond the incident itself. In addition to the fact that persons over 65 are the least likely to take self-protective measures in the course of a crime, they are also more susceptible to serious and permanent physical damage as the result of an assault. Brittle bones which break easily in a fall lead to costs that go beyond simple financial considerations. Long recuperative periods and the loss of a job, mobility and independence are among the effects of violent crimes. Furthermore, elderly persons on fixed incomes find it harder to recover financially than those earning a regular salary.

On balance, however, the psychological damage that occurs for elderly victims of crime is even more insidious. Fear of crime affects not only those who have been victimized, but also others who know they are potential victims. Both offenders and victims know that older persons present vulnerable targets for violent crime as a result of their regular routines, their tendency to walk or to use public transportation, and their increased likelihood to live alone. As a consequence, older citizens grow afraid to leave their homes, sometimes becoming virtual prisoners of fear which futher intensifies problems of social isolation. Whether as a result of embarrassment or fear of retaliation, crimes against the elderly are the least reported of crimes against any age group.

While it is true that persons age 65 and older have the lowest crime victimization rate of any age group, this may well be the result of the restricted lifestyle of many elderly persons who remain in their homes because of their fear of crime. Additionally, it is also true that crime victimization has decreased in the past two years for all age groups. However, it is important to note that violent crimes against the elderly have been reduced the least of any adult age group and that burglaries and theft have remained stubbornly resistant to improvement. In general, the elderly appear not to be benefiting as greatly as other groups in the reduction in numbers of crimes against them.

Just recently, new statistics were published which have shown that, overall, crime rose by 3% for the first 6 months in 1985 as compared to 1984. This reverses a general downward trend and suggests that the elderly will be even more at risk, particularly if this upturn in crime continues.

Unfortunately, the inequities do not stop with the violent incident—they also extend to compensation and reporting. The Victims of Crime Act of 1984 targets three groups for priority in crime victim compensation programs: victims of sexual assault, spousal abuse, or child abuse. The elderly were not designated a target population for the purposes of this Act. Within the programs funded by the Act, most states reimburse victims for lost wages, which does not encompass cash, or Social Security or pension checks. Some state programs will not reimburse victims if the offenders are members of the same household. This provides no recompense for victims of any family abuse, including elderly abuse.

There is an urgent need for protection of our elderly citizens from the fear and consequences of violent crime. I look forward to hearing the testimony to be presented today, and I am confident that it will contribute to the body of knowledge concerning this issue.

Mr. Roybal. The committee has agreed to try something different at this particular hearing. It is going to be my pleasure to introduce Mrs. Evelyn Blackwell, who is the coordinator of a group of senior citizens from Washington, DC, who will perform a brief skit. I think that we can learn a great deal from hearing things as well as from seeing things. It is for that reason that we have permitted this skit to be presented this morning. I am going to ask Mrs. Blackwell to proceed in any manner that she may desire. Mrs. Blackwell, will you please proceed?

Mrs. **Blackwell.** Thank you, Your Honor. We will start right here. Come on, ladies, take your places.

Mr. **Roybal.** Mrs. Blackwell, your home has been burglarized, do I understand, several times?

Mrs. **Blackwell.** Five times.

Mr. **Roybal.** Five separate occasions?

Mrs. **Blackwell.** Five times.

Mr. **Roybal.** All right. So you know the experience, then, and we appreciate the work that you have done in getting this group together. Will you please proceed?

Mrs. **Blackwell.** Thank you, sir.

PANEL ONE—VICTIMS OF CRIME: CONSISTING OF EVELYN BLACKWELL, WASHINGTON, DC; AND BLANCHE ZIDONIK, MANALAPAN, NJ

STATEMENT IN SKIT FORM OF EVELYN BLACKWELL, ACCOMPANIED BY A GROUP OF SENIOR CITIZENS

Mayor **Promised.** The meeting will come to order. As you know, we are here to discuss crime prevention and to find methods to reduce crimes in our neighborhood and city.

Senior **Citizen** 1. Excuse me, Mayor Promised, I don't know what you mean by crimes in our neighborhoods.

Senior **Citizen** 2. Yeah, I thought that we were here to discuss senior citizens and crime against us.

Young **Adult** 1. May I please interrupt?

Senior **Citizen** 3. Yes, yes, go ahead.

Young **Adult** 1. We don't mean any harm, but we young people are victims of crimes too.

Senior **Citizen** 4. We know that, but we are the ones who suffer the most.

Everyone. [Commotion.]

Mayor **Promised.** Silence, please, Dr. Fixyoup, do you have any comments?

Dr. **Fixyoup.** Yes, Your Honor. We doctors see so many cases of battered senior citizens, I propose that cases like these be reclassified with Medicaid, and given a one-time fee of $300 for a thorough examination.

Senior **Citizen** 4. You are talking about raising your fees instead of improving your service for us senior citizens.

Senior **Citizen** 5. You see, I told you these doctors don't give a hoot about us. I got robbed the other day and this hoodlum not only took everything I had, he slapped me down and then knocked me down. [Pantomime of mugging.]

And then now here I am bruised, broke, and frightened to death. [To Dr. Fixyoup] Are you nuts? You're talking about charges. I'm hurting on the inside.

Oh, what's the word for it? Oh yeah, professionals.

Dr. Fixyup. Wait a minute. I didn't mean it that way.

Mayor Promised. We'll table the remarks. Ms. Prissy, do you have anything to say?

Mrs. Prissy. Thank you, Your Honor. I have a master's degree in social work. My clients seem to think I don't know my job. They fail to understand that there are rules and regulations to be followed. They come in here after a robbery and expect something to happen immediately.

Senior Citizen 6. We don't want to hear all that. After all, your rules and regulations didn't put food on my table and didn't pay my rent either. You said I had to wait 60 days for my stolen check to be replaced.

Mrs. Prissy. Yes, but you should have made some arrangements for emergencies.

Senior Citizen 6. Well, let's see you make some arrangements. You take my place and I take yours, and see if you can live off of $138 a month.

Mrs. Prissey. Hah.

Dr. Insight. Excuse me, Your Honor. May I have a few words to say? Now, I have a Ph.D. and I know that rules and regulations are not the issue here today.

Senior Citizens. Amen.

Dr. Insight. We have to consider the theoretical construct that motivates the criminal.

Senior Citizens. Say what?

Dr. Insight. We, ah, uh, uh.

Mayor Promised. Well, all right. Miss Slick, I would like to hear from you.

Ms. Slick. Well, Your Honor, most of my clients have lost their jobs and are on dope. Now, they have got to get money from somewhere. So I propose that we let them go and the Government gives them free welfare checks. After all, we do want to clear the dockets, don't we?

Judge Dowright. That will never do. Are you trying to tell me how to run my court? I'm trying to see that justice is done. Don't I always put them on probation and give them short-term jail sentences? What more do you want.

Prosecutor. Judge, Your Honor, no offense. I work extremely hard to get these folks off the street and you put them right back there in 2 days.

Policeman 1. That's right, Your Honor.

Policeman 2. I agree. We work hard, 8 hours a day and overtime, too, collecting evidence, and when we get back to court the criminals laugh at us because they know they will soon be back on the street.

Senior Citizen 7. Oh, do you work that hard? Hah, we never see you after the complaint is made.

Young Adults and Senior Citizens. You people don't seem to take into account that we are out here confused and afraid.

Senior Citizen 1. But crime doesn't hit you as hard as it does us.

Young Adult 2. I don't see why not.

Senior Citizen 1. Look, honey, you get paid twice a month, and my Social Security check only comes once a month, and I don't get half as much money as you do.

Young **Adult** 2. Well, you have a point there. [Turning.] Tell them what happened to you.

Senior **Citizen** 3. Well, it was the first of the month and I was going downtown to do some shopping. When I got on the bus I put my billfold in my coat pocket so I wouldn't have to open my pocketbook. When I got on the bus, somebody touched me. When I got off the bus and felt in my coat pocket, my billfold was gone, and all of my money with pictures and papers that couldn't be replaced. [Sobs.]

Senior **Citizen** 7. Well, let me tell you what happened to me. I was home one night asleep in my bed when I heard a noise, and just as I started to get up, here's this man standing over my head. I was scared, but I wasn't too scared to scream, and that burglar flew. You know, he must have come in an unlocked window. Now, it's hard for me to go to sleep.

Senior **Citizen** 6. You haven't heard anything yet. Last Sunday as I was coming home from church, two hoodlums pulled a gun on me in broad, open daytime. I gave them everything I had. Now I'm afraid to go out.

Senior **Citizen** 5. Wait until you hear this. They broke into my house and took a jar of quarters, a jar of dimes, and 40 savings bonds. Altogether they took almost $3,600.

Senior **Citizen** 8. I'm almost ashamed to tell you what happened to me. Well, anyway, I'll tell it.

These two young ladies came up to me, well dressed, too. One says to me, lady, would you like to increase your savings within minutes? Naturally I was all excited, and I said, Lord, yes.

Then the other one says to me, "You do have a savings account, don't you?" Honey, I was so proud I said, "Yes, indeed, I have $10,000 saved up."

Then the other one says to me, "Would you like to double that?" And I said, "Yes. How?"

And they showed me this big envelope with all of this money in it, and they told me that they were wanting special senior citizens who know how to save, give a bonus for being thrifty, and that this big organization is doing this so that other senior citizens will start saving money. So they told me to go in the bank and get my money and they would wait for me. And they wanted to be sure that I had that money, you know.

And I, like a dummy, I went in the bank, got my money, and gave it to them. They gave me the envelope all right, and had the heart to wish me good luck, got in their car, and drove off.

So I went back in the bank thinking that I had $20,000. Guess what? There was five $20 bills on top and the rest was play money. I thought I would die. [Moaning.]

Mayor **Promised**. Dr. Mindreader, do you have anything to say about all of this?

Dr. **Mindreader**. Yes. Senior citizens should be more careful while walking the streets, keep doors and windows closed. In my profession, what I find most is the fear and isolation that senior citizens experience.

Senior **Citizen** 2. Yes. I heard that. But what are you, and you, and you, and you, going to do about it?

Mayor Promised. Well, I guess we all heard. Now tell us, what is your solution'

Mrs. Blackwell. That concludes our performance. Thank you very much.

[The prepared statement of Mrs. Blackwell follows:]

Statement of Evelyn Blackwell

My name is Evelyn Blackwell, I live at 1328 9th St., N.W., Washington, D.C.

I'm here today because I've been a victim of house burglary 5 times. Elderly people or senior citizens whichever you choose to label us have too many times been victims of crime. It has been said that as far as statistics are concerned the ratio of elderly victims compared to the young ones aren't that many. Maybe not, but let me tell you something, it's the aftermath of the crime that gets next to us.

First, our income is on a monthly basis and when our pocket books are snatched or articles taken from our homes, when we are yoked and beaten in the streets, we really suffer. It's hard enough to have things stolen from us and not be able to replace them. When we are badly beaten it takes us a whole lot longer to get well. Some of us never do get over our victimization.

I myself have become quite paranoid about my house being broken into and I don't sleep soundly anymore. In fact the least little noise awakens me.

Crimes against the elderly need some careful studying and consideration by the members of this committee. I strongly recommend that criminals who prey on the elderly be given stricter penalties and I'm not talking about throwing them in jail either. Criminals should be made to work and pay every dime that they have taken away from older people. We've got roads, bridges, streets, alleys, and street lights that need fixing, we as tax payers save a lot of money having these criminals do these things. I'm of the opinion that a lot of people who commit crimes are just plain lazy and don't want to work. So they call themselves getting money the easy way. I can't for the life of me see why criminals have so many privileges in jail. To me it's a national disgrace to have entertainment, recreation, and even have female companionship in jail. No wonder you have the same people committing crimes over and over again.

The result of some crimes perpetrated on older folks are staggering and almost unbelievable. I've known senior citizens to lock themselves in their homes and die there, because they are afraid to come out. Some bolster their courage by drinking and becoming alcoholics, which is worse.

After I got robbed so many times, a group of senior citizens and myself decided it was time to get up from our behinds and try to come up with ideas on how best to protect ourselves from the criminal elements in our society.

Right now, I'm a consultant with a national organization called Victims Assistance, working with the elderly populaton in the District of Columbia. I do hope that what I've said today, will call you to consider our plights and do something about it.

Thank you for letting me appear before your committee.

Mr. Roybal. Mrs. Blackwell, may I thank you and the actresses that you brought with you today. It was excellent. It gave us a tremendous amount of information, but all of this information is based on fact. All of this has happened to each one of these ladies.

Mrs. Blackwell. Everything that you heard today and what you saw—in pantomime—is based on fact. And another thing, I wanted to show how we as senior citizens perceive the so-called professionals. We aren't always given the kind of help that we need. It's almost like we're shunted aside and that we are considered to be senile because we are past 60, or 65. Thank you.

Mr. Roybal. Thank you, Mrs. Blackwell. The next witness is Mrs. Blanche Zidonik, who was violently assaulted and robbed on the doorsteps of her own home, in Springfield, NJ. Would you please proceed in any manner that you may desire?

Ms. Zidonik. Thank you.

STATEMENT OF BLANCHE ZIDONIK

Ms. Zidonik. Thank you, Mr. Chairman, and Congressman Rinaldo. I appreciate the opportunity to come to Washington to tell my story to this committee. I hope that it will do some good and serve as both a lesson and a warning to people.

I certainly enjoyed that skit. I congratulate the ladies. They certainly covered every facet of the things that you go through when you are a victim and when you are dealing with people that you feel should help you.

I congratulate the committee because they too certainly seem to have an insight on all the things that happen to everybody, but particularly to senior citizens. And I appreciate their efforts.

On October 24, 1984, between the time of 10:30 and 11:00 at night I was mugged at my front door. I had just returned home from my son's home where I had been babysitting.

I am a very cautious person and when I am alone, especially after dark, I check the rear view mirror of my car when I turn into the street to be sure that no one is following me. When I pull into the driveway—I didn't have a garage at this time—I park the car and get my key ready to get into the house, and check the general area to be sure no one is lurking around, and then proceed to go in. The street is well-lit, particularly at that point. My house is well-lit. I have spotlights in back. The front door light is on at night, and lights in my house are arranged by timers. I even leave radios on to try to create the impression that someone is home. I have deadbolt locks on all my doors including the basement door and my bedroom door, every door, I guess, except the refrigerator door.

As I was putting my key in the door I heard dry leaves crunch on my front lawn, and turned slightly, expecting to see a neighbor. I quickly realized it was a stranger. He started running toward me. I guess he planned to creep up on me, really, and because I was in an awkward position, it was difficult for me to turn fast. He was apparently not bothered by the fact that the lights were bright and I could see his face very clearly. At that moment I was more startled than I was frightened.

As I turned he pulled his arm back and proceeded to sock me on the jaw. My pocketbook strap was wrapped around my arm. I would gladly have given him my pocketbook, but he pulled at it. In doing so he pulled me down on my right leg and created injury that is probably permanent. At that point he started running away and I started screaming, "Help, police. Please call the police." Later learned that the switchboard lit up at the police headquarters as I watched him run down the street.

Now, I am an amateur portrait artist and I just naturally observe people's coloring, features, and so on, so I remember him very, very well. I will never, ever, forget him.

When I watched him go down the street, I waited until he turned and then I attempted to get in the house. I managed to get up, get in the house, call the police, who said the police were on their way because somebody had called. I then called my son who came down shortly thereafter. I went with my son and the officers who answered the call to police headquarters and I gave a description of what happened, and a complete description of the mugger. A few days later a State police artist did a sketch from my description. To my knowledge he has not been apprehended yet.

It is just 2 days short of 1 year since this has happened and I have been very much affected by the experience. I no longer feel comfortable living alone, yet there is very little I can do about that. Because I was unable to do many things by myself after the injury and depended more on my daughter, I was forced to sell my home in Springfield; I was there 38 years. Believe me, I miss my friends and neighbors and activities there, and I have moved to a condominium in Manalapan. This move was not easy.

My right leg was injured so badly I was no longer able to drive. I had to go to the J.F. Kennedy Rehabilitation Center and take lessons to drive with my left foot. That cost about $45 a hour and I spent over $200 to learn to drive again. I had to spend another $100 to have my car fixed so that I could drive with my left foot.

For about 6 months I was under the care of six doctors, then two doctors, and now one doctor. I have been x rayed and had CAT scans. I have been examined and treated with electromyography on two different occasions, and it was necessary until this March to have daily therapy with exercises and a quadraflex neuromuscular stimulator. This stimulator cost me $129 a month to rent. I had to do this at home because I was then unable to drive, and my daughter couldn't take me because her house is about a 40-minute drive from Springfield.

All of this has been very painful, very frustrating, and very expensive. It has been difficult for my family as well. Although I can now drive again, I still cannot work, and have been forced to do without the income I made doing secretarial work before my injury. I am still under the doctor's care.

Fortunately, though, I have been reimbursed nearly $1,100 by the New Jersey Violent Crimes Compensation Board for a portion of my medical bills which Medicare and insurance did not pay. I also received a small disability payment for 25 weeks through the disability program of the New Jersey Department of Labor. I am extremely grateful for these sources of assistance, but I have still been forced to reach into my own savings for other medical bills and related expenses.

I hope that some day I will be able to return to work at least part time. But no matter how capable you are—and I am capable—it is not easy for a 70-year-old to find a job.

The quality of life should be wonderful at this point but it is not. Many people have suffered these dastardly crimes. People of all ages have been assaulted. It is particularly hard on senior citizens. They are especially vulnerable because they cannot react as quickly. They can be more seriously injured because of their age, and as a result, they just depend on others when independence is so important to their happiness and their reason for living.

When older individuals can maintain reasonably good physical ability, they can be helpful, not only to themselves but to others, and make life worthwhile. That is what we are all living for, to feel life is worthwhile. When you get old, you get to realize you are getting close to the time for death. You begin to feel very unnecessary in the usual stream of things. When something like this happens it really enhances all those feelings. It is a very depressing thing, very hard to cope with.

I am really not here to wring my hands and decry my fate. I am 70 years old—true—and I have learned at least that in 70 years, that when things happen to you, you have to take it, pick yourself up, and carry on. But that doesn't mean that these crooks should get away with it. They shouldn't.

We need good lawmakers who will really represent and protect our interests, a strong police force who will be supported by the public because they have earned the respect of the public with their honesty and integrity. People must understand that these services have to be paid for and are willing to pay for them because they know that the money paid will be used for that purpose, and not slipped into the hands of greedy people for another kind of criminal.

We need more police so that the towns and cities can be watched at all times. When criminals are apprehended they need to be punished as well as rehabilitated, and not to be excused for any reason. Under certain conditions or circumstances, the crime should be erased from the record but it should always be punished and impress the perpetrators so that they will not have it happen again.

I understand that there is a $25 fee that the Crime Compensation Board receives but this is when the criminals are apprehended. Many times they are not. And in any case $25 seems like a mere pittance to me. I think that any crook, no matter what they do, should contribute as much as possible to these funds so that it will help victims of a crime as well as help us to have more police force and so on.

We could spend a lot of time talking about these things. I find myself a much more nervous person. I went to put the garbage out the other night and suddenly I realized it was dark out, and I became very frightened. I felt like somebody was watching me and I quickly got into the house. I am not used to feeling this way. I am used to being independent, and unafraid of things generally.

This has happened, and it's like Omar Khayyam, "The moving finger having writ, moves on." It happens, you are affected, and it never, ever goes away. If it does, it takes a very long time and we don't all have that much time to have it be erased.

Too many people don't want to fight back. The fear I see on my friends' faces is outrage and shock, and it is shocking to see. We must overcome this fear, and the way to do it is to fight back and obtain justice for the victim as well as the criminal.

Mr. **Roybal.** I'd like to compliment you on your testimony. It has been most excellent. Thank you very much.

Ms. **Zidonik.** Thank you.

Mr. **Roybal.** The next witnesses make up a panel that is composed of Federal, State, and local representatives. The first is the Honorable Lois Haight Herrington, Mr. Eldon Page, Ms. Marie E. Gooderham, and John Daffron. Will you please come forward, take your respective seats, and we will then proceed after your testimony to ask you questions.

The Chair will recognize first Mrs. Lois Haight Herrington. Will you please proceed in any manner that you may desire?

PANEL TWO—FEDERAL, STATE, AND LOCAL RESOURCES: CONSISTING OF HON. LOIS HAIGHT HERRINGTON, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE; ELDON H. PAGE, COMMANDER, SHERIFF'S POSSE OF SUN CITY, AZ; MARIE E. GOODERHAM, MEMBER, BOARD OF DIRECTORS, AMERICAN ASSOCIATION OF RETIRED PERSONS; AND HON. JOHN DAFFRON, CHIEF JUDGE, 12TH JUDICIAL CIRCUIT OF VIRGINIA, CHESTERFIELD, VA

STATEMENT OF HON. LOIS HAIGHT HERRINGTON

Mrs. HERRINGTON. Thank you very much, Mr. Chairman, for giving me the opportunity to testify before your committee, and for taking a personal interest in the elderly as victims of crime.

With your permission I would like to submit a formal text and present an overview of my key points.

Mr. ROYBAL. Without objection it will be the order and this will be included in the record.

Mrs. HERRINGTON. Thank you very much.

The Department of Justice is particularly concerned about crime and older Americans, both their fear of crime and their actual rate of victimization. The President's Task Force on Victims of Crime held hearings throughout the Nation, and found the fear of crime is higher among the elderly than the rest of society. Research from the National Institute of Justice Research certainly confirms this fact.

The elderly are acutely aware of their vulnerability to crime, although statistics show that they are victims of violent crime less frequently than other age groups—probably because many have changed their lifestyles. They no longer go out at night, they have bolted the doors, they have barred their windows, forfeiting fresh air and freedom for security.

They know if a violent crime should strike, its effect could be devastating. They are more likely to suffer injuries from an assault that in a younger person that might produce no injury at all.

And of course, a great proportion of the elderly live on limited income. The theft of a Social Security check or a purse snatching can mean that they will be unable to pay for the rent or buy their food. When you are old and alone, where do you turn for help?

Mr. Chairman, the cruel irony is that elderly victims are one of the most poorly treated clients of the criminal justice system.

After a crime the victim is often interviewed, photographed, maybe physically examined; the house may be dusted for fingerprints. The police may call them to come down for a lineup at odd hours. The victim's name and address may appear in the media. And their address and phone number may be given to the defendant and the defense counsel.

The victim many times must find affordable transportation to court only to learn that the case has been rescheduled for the convenience of the judge or the attorneys.

Moreover, their physical infirmities are often mistaken for mental incapacities. Many elderly have poor hearing, slow motor reflexes, impaired vision. These natural aging processes are often intepreted by criminal justice professionals as senility.

Impatient and insensitive the criminal justice system has been oblivious to the steps that could ameliorate these disabilities and ease the hardship on the elderly victims. And what is the result of this callous treatment? It is alienation, alienation to the extent that more than 50 percent of violent crime is not reported. Elderly victims often hesitate to report because they fear reprisal from the defendant who may have already harassed them, and most often they are threatened during the crime.

And then if they are threatened again, after the assailant has been arrested or caught, police and prosecutors then often fail to act. If there is a conviction for intimidation and harassment, which is in fact rare, judges often impose a sentence concurrent with the original offense. In short, the defendants have nothing to lose by terrorizing the victim.

To combat this insensitivity by the justice system, the Office for Victims of Crime has undertaken several training projects for law enforcement, prosecutors and judges. You will hear shortly from Judge John Daffron—an outstanding jurist who attended the First National Conference of the Judiciary at the Judicial College sponsored by the Department of Justice.

I must say I was impressed and encouraged by the response of the judges attending this conference. After hearing the victims' stories of pain and frustration, the judges vowed to change. They said they simply had not realized how they were treating victims. This conference illustrated that the mistreatment of crime victims is not from venal motives. It is ignorance. They simply have not considered the needs of the victims of crime. Judges like most lawyers never learned about the victim in law school.

As you know, Mr. Chairman, the President's task force made many recommendations to restore balance to the justice system. Before I discuss our progress in implementing them, I would like to mention one victim who has been largely overlooked: the victim of family violence, specifically the abused elderly persons. The President's task force concluded that the causes of and solutions for crimes within the family are much more complicated; the motives and the solutions may be different than for stranger crime. We recommended the formation of the Attorney General's Task Force on Family Violence which held hearings throughout the Nation.

I must tell you that we had a very difficult time getting elderly victims to testify; they were more reluctant than other family violence victims to come forward with all the associated publicity that might follow.

Admitting abuse is extremely embarrassing and very emotional for an older person. They are fearful and most often they depend on those who are victimizing them. In this way elder abuse is somewhat like child abuse. However, the elderly victims are many times more trapped. Children go to school, and are out in public more, where teachers or other people can detect signs of abuse. The elderly, on the other hand, are often homebound. Moreover, the guilt felt by virtually all victims of family violence is compounded for the elderly.

Some of them told us, "I created the monster. My family is my sole source of support. I must live with their behavior."

But our task force concluded that assault is a crime no matter where, or by whom, it occurs. Our final report recommended vigorous intervention by the criminal justice system. The nature of the offense and not the relationship of the victim to the offender should determine the justice system's response.

Mr. Chairman, I assure you the Victims of Crime and the Family Violence reports are not collecting dust on a shelf. The Office of Justice Programs is implementing the recommendations through training programs for the law enforcement through the National Sheriffs Association, the National Association of Black Law Enforcement Executives, and the National Association of State Directors of Law Enforcement Training.

We are also training prosecutors at the National College of District Attorneys and hospital personnel. We are developing model legislation for states which would require, for example, victim impact statements at sentencing.

You may recall the case of a local elderly woman, Virginia Montgomery, who was knocked to the ground and her purse was snatched. The judge sentenced the offender to a $300 fine, and 3 months' probation. No one bothered to find out that Virginia's hip had been smashed and that she spent months in the hospital recovering. She had $8,000 in medical fees, she will be in a walker for the rest of her life, and she sold her home that she had lived in most of her adult life because she could no longer use the stairs.

I want to clarify that the goal of victim participation at sentencing is not to pressure justice, but to aid in its attainment. A victim impact statement does not recommend a sentence; it explains the consequences of the crime on the victim. It ensures that the judge hears from both sides.

Mr. Chairman, we are also developing a model statute to protect against disclosure of victims' addresses and phone numbers.

We have a National Victim's Resource Center now, with information on victims' laws and services throughout the Nation. We have had approximately 4,000 programs so far. And through the National Crime Prevention Council, we have information on 400 programs for the elderly.

We are also changing methods of statistical gathering and evaluation. We learned that the uniform crime reports does not record relationships of victim to offender, or the victim's age unless the crime is murder. We have no way of knowing with reported crime exactly how many elderly are in fact reporting crime nationwide. We are redesigning this now as one of the recommendations of our task force. I hope we will see positive results in the next 2 years.

The National Crime Survey does in fact gather information by age, and this has been our only basis for understanding the victimization of the elderly. However, for family violence, most of that information is gathered with the whole family present; obviously not very many victims are going to talk about it. We are looking into what we can do to improve data collection for this very sensitive area.

We are implementing the Victims of Crime Act passed last year as part of the Comprehensive Crime Control Act. This new law provides States up to $100 million for their victim compensation funds and victim services. And most important, the source of these funds are Federal criminal fines—not innocent taxpayers' dollars.

While these programs help elderly already victimized by violent crime, the Department of Justice is working to help elderly prevent crime in the first place. One new project by the National Institute of Justice is studying the most effective ways to encourage elderly to practice crime prevention.

For example, in a New York City public housing complex tenants monitor people who visit the building. In Miami, the elderly are being trained as victim advocates. Here in Washington, DC, Evelyn Blackwell has a marvelous program for older persons in her neighborhood.

It is encouraging to note that in our administration of the Justice Assistance Act, offering $69 million to the States, we have seen States choose to spend a good portion of block grant funds on crime prevention. Such projects are also promoted through the National Crime Prevention Council supported by our office in the Department of Justice. We have created materials for older Americans with tips like those in several flyers that I would like to show, Mr. Chairman. They are a part of the Justice Department's support of the McGruff "Take a Bit Out of Crime Campaign," which organizes crime prevention programs in communities throughout the Nation.

We have seen that with their extra time and concern for their neighbors that the elderly have been the most ardent practitioners of crime prevention. It restores a sense of control for these citizens who may lack the ability that is needed to cope with the omnipresent crime threat. Through these various activities I have discussed briefly today, Mr. Chairman, the Department of Justice is working to collect information about crime victims, to improve criminal justice and other victim services for them, and to help make their communities less frightening and safer places to live.

You may be assured we will continue to represent the interests of elderly crime victims and assure them of what we seek for all crime victims—justice.

Thank you very much.

[The prepared statement of Mrs. Herrington follows:]

PREPARED STATEMENT OF LOIS HAIGHT HERRINGTON, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS

Mr. Chairman, I sincerely appreciate this opportunity to appear before the Select Committee today to discuss the efforts underway at the Department of Justice to protect our Nation's elderly citizens. At the outset, I want to commend you and the Committee for the level of personal interest you have demonstrated in the problems of the elderly as victims of crime.

The Department of Justice is concerned about the criminal victimization of senior citizens as well as the problem of fear of crime among our elderly citizens. The President's Task Force on Victims of Crime, which I had the honor to Chair, during its hearings throughout the country, discovered that nowhere is our society's reaction to the fear of crime more apparent than among the aging. Research by the Department's National Institute of Justice confirms this fact. It found much higher levels of fear of crime among the elderly than among the general population.

This is true, in part, because the elderly are acutely aware both of their vulnerability and of the devastating impact even a so-called "minor" crime may have on their lives. The Department's Bureau of Justice Statistics reports that while the elderly are victimized relatively less for some crimes, they are the victims of a far greater number of crimes against their personal and household property. The Bureau found that from 1973 through 1980, elderly Americans were victims of about

168,500 rapes, robberies, or assaults a year. In that same period, they were the victims of roughly 1.4 million personal or household larcenies, some 748,600 residential burglaries, and about 77,000 motor vehicle thefts.

In addition, because of the physical effects of aging, elderly victims are more likely to suffer disabling injuries such as fractured hips or broken bones in an incident that, as a younger victim, might produce little or no injury at all. A BJS study found that one-fourth of elderly robbery and assault victims sustained physical injury and approximately 21 percent of those required hospital care.

Similarly, a significant proportion of the elderly live on very limited or fixed incomes that cover no more than their basic necessities. When crime strikes—the theft of a Social Security check or a purse-snatching—these elderly victims are often unable to absorb the economic loss without tremendous hardship. To an elderly crime victim, this can mean that he or she is unable, at least temporarily, to buy food or pay the rent. And when you are old and alone, where do you turn for help? All too often, the elderly victim becomes even more fearful, and isolated, and alone—helpless to undo the damage inflicted by the crime and traumatized by the awareness that it could happen again.

One of the terrible ironies of this problem, Mr. Chairman, is that on top of the cruel burden inflicted by the criminal act itself, the elderly victim often is one of the most poorly treated clients of the criminal justice system.

Time after time, the Victims Task Force was presented with evidence that victims of crime are victimized twice—first by the criminal, and again by the criminal justice system.

After a crime is committed, the victim may be interviewed, photographed, physically examined; the home is dusted for fingerprints. Police officers question the victim at work or call at odd hours to ask that he or she attend a lineup. The victim's name and address appear in the newpapers and on television. When the case moves to court, the victim may have to take time off from work or, in the case of the elderly, find affordable transportation to the courthouse, only to discover that the trial has been rescheduled for the convenience of the judge or one of the attorneys.

If the victim happens to be an elderly citizen afflicted with any of the infirmities typical of the aging process—slow speech or motor reflexes, poor hearing, impaired vision—he or she is all too commonly treated within the criminal justice system within the criminal justice system with the same insensitivity that abounds elsewhere in our society. Police, judges, and lawyers may discount the elderly as witnesses, failing to distinguish between mental capacity and physical infirmity, and coldly oblivious to the steps that might be taken to ease the hardship imposed on the elderly victim by the physical ailment.

The result of this callous treatment often is alienation—alienation to the extent that more than half of violent crimes are never even reported to the police. And, even those victims who do have the courage to report a crime, because of the insensitive treatment they receive, frequently become reluctant and ineffective witnesses, unintentionally, encouraging plea bargaining by the prosecutor or outright dismissal of the case.

Elderly victims are often hesitant to report crime because they fear reprisal from the defendant. The criminal may have already threatened the victim during the commission of the crime. Police have often failed to investigate reports of harassment. Prosecutors frequently have declined to follow through with charges and if there is a conviction, judges have often sentenced the assailant to a term concurrent with the punishment for his original offense. Thus defendants have nothing to lose if they harass the victim until he becomes too terrified to cooperate. The Office for Victims of Crime is training justice professionals to vigorously investigate, prosecute and sentence those guilty of intimidation and harassment. Later you will hear more about our new training from Judge John Daffron, who attended the first National Conference of the Judiciary on Crime Victims sponsored by the Justice Department at the National Judicial College.

As you are aware, Mr. Chairman, the Task Force made a number of recommendations to improve the treatment of crime victims at every level of government and by every segment of society that touches upon this issue. But before I discuss how the Department is implementing those recommendations, I would like to point up another crime against the elderly that until recently has been largely overlooked—the problem of elder abuse.

While there are no national incidence data available, elder abuse is a serious, and perhaps widespread, problem. According to a recent study by the House Select Committee on Aging, estimates of the extent of elder abuse vary from one-half to one million victims annually, although perhaps as few as one in six cases is ever actually reported. Victims are usually female, over age 75, and with some physical or mental impairment that prevents them from handling the tasks of daily living, such as dressing or preparing meals. A study by the University of Michigan found that sons were more likely to engage in active, direct abuse. They were responsible for two-thirds of the physical abuse and nearly 30 percent of the emotional abuse. Daughters were most likely to be involved in emotional neglect.

When the President's Task Force on Victims of Crime studied the experience of crime victims in this country, it recognized that violence within the family often is much more complex in causes and solutions than crimes committed by unknown attackers. Because of this realization, the President's Task Force recommended that a separate study be undertaken to give this problem the individualized consideration it requires.

The Attorney General's Task Force on Family Violence was established and conducted six regional hearings during which hundreds of professionals with expertise in the field testified, as did a similar number of victims of child abuse and molestation, spouse abuse, and elder abuse. We found it to be more difficult to obtain testimony from elder victims than from any other kind of family violence victims. Admitting the problem is extraordinarily embarrassing and emotional for older people, they are very fearful, especially if they depend on the family for income.

Because of this fear and dependency, abuse of the elderly is much like child abuse. But in many ways, elderly victims are more trapped than child victims. Children go to schools regularly, where teachers may recognize the signs of beatings; while the elderly are often home bound.

Victims of family violence often feel guilty for their situation. For elderly victims of abuse, this blame is often intensified. Many have said, "I'm the one who produced this monster. I am responsible. My family is my sole source of support, and I must live with their behavior."

The Final Report of the Family Violence Task Force calls on law enforcement officers, prosecutors, and judges to intervene vigorously in cases of family violence such as the mistreatment of elderly relatives. It recommended that the legal system treat assaults within the family as seriously as it would treat the same assault if it occurred between strangers.

The Office of Justice Programs has been given the responsibility within the Department of Justice to implement, to the fullest extent possible, the recommendations of both the Victims and Family Violence Task Forces. Its Office for Victims of Crime is working closely with a number of national criminal justice professional organizations to develop and deliver training to police officers, sheriffs, judges, prosecutors, defense attorneys and others on the treatment of crime victims, emphasizing the particular needs of the elderly. The Office also is developing programs to sensitize hospital personnel to the needs and fears of victims and has established a separate division to initiate programs for victims of family violence.

The Office also is discussing legislative proposals which would incorporate many recommendations of the Task Forces, such as, legislation requiring victim impact statements at sentencing; and protection against the disclosure of victims' addresses and telephone numbers.

In addition, the Office is developing procedures for the administration of programs authorized under the Victims of Crime Act of 1984. As you know, Mr. Chairman, this legislation is a part of the Comprehensive Crime Control Act that was signed by the President on October 12, 1984. It authorizes Federal financial assistance to state crime victim compensation programs, state victim assistance providers, and increased services for victims of Federal crimes.

The Act establishes a Crime Victims Fund in the United States Treasury to support the program. Grants from the Fund will be awarded to state crime victim compensation programs and to the states for award to local crime victim assistance programs. In addition, the Act provides that 5 percent of the Fund may be allocated each year for programs to assist victims of Federal crimes. Monies in the Fund come from criminal fines and penalties collected from Federal defendants and through the forfeiture of convicted criminals' literary profits that arises from the sale of the story of their crimes.

The new compensation program will help elderly crime victims, in particular, recover from the financial hardships resulting from their victimization. To be eligible for a grant from the Victims Fund, state victim compensation programs must offer compensation for some portion of medical expenses, includes mental health counseling, lost wages, and funeral expenses. The program also must compensate nonresident victims in the same manner as victims who are residents of the state, compensate victims of exclusively Federal crimes committed in the state in the same manner as victims of state crimes, and agree not to use Federal funds to supplant state funds available for victim compensation.

To be eligible for victims assistance grants, states must agree to give priority to programs providing assistance to victims of family violence or sexual assault. Services covered under the program include crisis intervention, emergency transportation to court, short-term child care, temporary housing and security measures, assistance in participating in criminal proceedings, and payment for forensic rape exams.

I am pleased to inform you, Mr. Chairman, that implementation of the new legislation is well underway. Final guidelines for the Crime Victims Compensation Program have been announced and final guidelines for the Crime Victims Assistance Program should be released within the next several weeks. The Crime Victims Fund currently totals $65 million.

While the new program created by the Victims of Crime Act will help those elderly citizens already victimized by crime, the National Institute of Justice is working to promote crime prevention competence among the elderly. A recently initiated NIJ project is studying the most effective ways of encouraging elderly citizens to practice crime prevention.

In New York City, for example, elderly tenants of a public housing project serve as receptionists to monitor persons entering and leaving their apartment buildings and patrol elevators and stairwells to discourage and report crime and vandalism. In Miami, elderly citizens are being recruited and trained to serve as victim assistance specialists who will function as of referral source for police and the courts.

On our administration of the Justice Assistance Act of 1984, we've seen the states choose to spend the majority of their block grant funds on crime prevention programs. These projects are also promoted through our support of the National Crime Prevention Coalition, which I chair. Our theme this year is to encourage teenagers to join this effort, especially by providing safe escorts for seniors.

With their extra time and concern for their neighbors, the elderly have been among the most ardent practitioners of crime prevention. It restores a sense of control for these citizens who may lack the agility that is needed to cope with the omnipresent crime threat.

Through the various initiatives I have discussed today, Mr. Chairman, the Department of Justice is working to collect information about elderly crime victims, improve criminal justice and other services for them, and help make their communities less frightening and safer places to live. You may be assured, that we will continue to do everything possible to represent the interests of elderly victims of crime and to encourage the implementation of the kinds of measures that will provide for victims of crime what we seek for all—justice.

Thank you, Mr. Chairman. I will be happy now to respond to any questions you or Members of the Select Committee may have.

[Additional material submitted for the record by Mrs. Herrington follows:]

Senior Citizens Against Crime

Take these tips from me, McGruff, and be my partner for a safe community.

Crime prevention is everyone's responsibility, not just a job for the police. And crime can be reduced by simple measures like remembering to lock a door, knowing about common con games, and watching out for your neighborhood.

Although surveys consistently show that persons over 65 are victims of crime far less frequently than young people, many senior citizens are so worried about crime that they shut themselves up in their homes and rarely go out. But isolating ourselves behind locked doors, not getting together with our neighbors, actually makes it easier for criminals to work in the neighborhood.

Seniors are more vulnerable to certain crimes — purse snatching, mugging, and fraud. But you can reduce opportunities for criminals to strike by being careful, alert, and a good neighbor.

When You're Out

- If you must carry a purse, hold it close to your body. Don't dangle it.
- Never carry a wallet in your back pocket. Put it in an inside jacket pocket or front pocket.
- Make sure someone knows where you're going and when you expect to return.
- Avoid dark, deserted routes, even if they're the shortest.
- Carry change for emergency telephone and transportation use.
- Whenever possible, travel with friends to stores, the bank, or the doctor. Check with your police or sheriff, or senior citizen center about escort services.
- When using the bus or other public transportation, sit near the driver if possible.
- Don't overburden yourself with packages and groceries that obstruct your view and make it hard to react.

- Have your car or house key in hand as you approach your vehicle or home.
- Carry a shriek alarm. In some areas, community groups offer free alarms to seniors.
- When you drive, keep doors locked and windows up. Park in well-lighted, busy areas. If you have car trouble, be wary of strangers who offer help. Stay in your car and ask them to call a service truck or the police.
- If a friend or a taxi takes you home, ask the driver to wait until you are safely inside.
- Communicate the message that you are calm, confident, and know where you are going. Trust your instincts. If you feel uncomfortable in a place or situation, leave.

When You Are At Home

- Use deadbolt locks on all exterior doors. Keep your doors locked at all times, even when you're inside.
- Protect windows and sliding glass doors with good locks or other security devices.
- Make your home appear occupied when you go out by using a timer to turn on lights and a radio.
- Never let strangers in your home without checking their identification. Call their company if you're not sure. Install a peephole in your door and use it.
- If you live alone, don't advertise it. Use only your first initial in phone books, directories, and apartment lobbies.

- Get to know your neighbors and keep their phone numbers handy for emergencies.
- Work out a "buddy" system with a friend to check on each other daily.

- Engrave your valuables with a unique identification number recommended by the police. Local youth groups may provide this service free to seniors. Keep bonds, stock certificates, seldom worn jewelry, and stamp and coin collections in a safe deposit box.

- Don't hide extra house keys under a doormat or other obvious spots.

Protect Your Money

- If you receive checks in the mail regularly, arrange for them to be sent directly to the bank instead.

- Avoid carrying large sums of money. If you must take a large sum, have a friend accompany you.

- Don't display large amounts of cash in stores or other public places.

- Don't sign a check or contract until you're sure it's for a legitimate reason and know the details. Check with a friend, lawyers, or police officer if in doubt.

- Never put your purse or wallet on a counter while you examine merchandise in a store.

What If You Are Assaulted?

- If the attacker is only after your purse or other valuables, don't resist. Your life and safety are worth more than your possessions.

- Make a conscious effort to get an accurate description of the attacker and call the police or sheriff immediately.

- Contact your local victim assistance agency to help you deal with the trauma that all crime victims experience. They can help you learn more about counseling, victim compensation laws and how to follow your case's progress.

- Start a crime prevention program in your building or neighborhood. Turn your tragedy into a helping experience for others.

Don't Be Conned

According to the American Association of Retired Persons, older citizens are victims of fraudulent schemes far out of proportion to their population numbers. Keep informed about the latest con schemes in your community by reading the newspaper. Be skeptical about any proposal that sounds too good to be true or has to be kept secret. Don't rush into anything. Check it out with friends, lawyers, the police department, Better Business Bureau, and your state or county consumer affairs department.

Be especially wary of:

- "Get rich quick" schemes for which you have to put up "good faith" money.
- "Good deals" on expensive repair or home improvement jobs.
- Investments that promise unusually large returns.
- Someone claiming you owe money for an item ordered by a deceased spouse or relative.
- Work at home schemes, door-to-door sales, supplemental medicare insurance, miracle cures, glasses and hearing aids at bargain prices.

If you are the victim of fraud, call the police immediately. You may be embarrassed because you were tricked, but your information is vital in catching the con artist and preventing others from being victimized.

Take Action — Today!

Staying active in your community will help you to feel safer, and help to make your neighborhood a better place to live.

- Join a Neighborhood, Apartment, or Window Watch, or Citizen Patrol.

- Become a foster grandparent or block parent for children who may need help in an emergency.

- If a friend has been a victim of crime, be supportive. Listen carefully and nonjudgementally, cook a meal, help repair damage or replace belongings. Accompany the victim to the police station and to court.

- Volunteer for a local Court Watch to help make courts more responsive to citizen needs.

- Ask the crime prevention officer from your local law enforcement agency to talk to your senior citizens' group.

Crime Prevention tips from:

The National Crime Prevention Council
The Woodward Building
733 15th Street, N.W.
Washington, D.C. 20005

and

Help me, McGruff

TAKE A BITE OUT OF CRIME®

IN PRINT

From the
National
Crime Prevention
Council

". . . the most helpful and highest quality crime prevention information I've ever received."

William L. Hart, Chief of Police
Detroit, Michigan

NCPC PUBLICATIONS

Our crime prevention material is developed by the *leading professionals* in the crime prevention field. Much of it is derived from *state of the art research* and from the *latest in crime prevention practices.*

The National Crime Prevention Council (NCPC) knows of *current program models* all across the country located in a great variety of settings, such as *law enforcement, schools, youth-serving agencies, social welfare agencies, businesses, town governments* and organizations located in *core cities.*

Our materials represent proven crime prevention practices and are designed to be easily adapted by local, state and regional programs.

POSTERS

Large, colorful posters feature McGruff, the Crime Prevention Dog, with tips on a wide variety of topics. All posters full-color. Ideal for schools, banks, stores, hospitals and other public places.*

New!

- **Child Sexual Abuse**.

Title: "*If Someone Touches You . . .* " (29 × 22)

Sensitive message to children that they have authority over their own bodies. If someone touches them and they don't feel right about it, McGruff says:

1) "Say *No*!
2) Tell someone you trust.
3) Keep telling someone until they believe you.
4) Remember — it wasn't your fault."

Has space for a local sponsor.
Order No. P1 $2.50

"Extremely valuable material. Important for our clubs across America."

Robbie Callaway
Director of Government/United Way Relations
Boys Clubs of America

New!

- **Neighborhood Watch.** (29 × 22) (Available 3/85)

Colorful reminder that a safe neighborhood is a better place to live. Conveys the theme of community partnership in preventing crime —how to watch out and help out. Includes space for a local phone number.
Order No. P2 $2.50

- **Child Safety.** Title: *"5 Ways to Play It Safe"* (30 × 22)

McGruff tips for younger children, such as "Never get into a car with a stranger... Don't let anyone touch you who makes you feel unsafe... And remember to always lock your doors at home."
Order No. P3 $2.50

- **Vandalism.** Title: *"6 Things Vandalism Is Not"* (26 × 22)

Suitable for all ages as a reminder that vandalism is "Not cool... Not a game... and something for which everybody pays — including the vandals..."
Order No. P4 $2.50

- **Child Abuse**. Title: *"It Shouldn't Hurt To Be A Kid"* (20 × 16)

A compelling appeal for the protection of children. Has space for a local phone number, urging that "If you suspect child abuse, report it."
Order No. P5 $2.50

*Minimum order: 2 posters
Poster series (1 of each) Order No. P6 $10.00
Posters 30-59 $2.00 ea.; 60-119 $1.50 ea.; 120 or more $1.00 ea.

KITS

Packed with state of the art information, kits are in camera-ready (reproducible) form. Local agencies or organizations can adapt, and claim as their own, our material which can be spread to local constituencies. Kits include trifold brochures, editori-

> *"The response to your material on children and youth has been terrific! So many clubs requested it that we decided it should be printed for everyone!"*
>
> Marlys Kauten, President
> Iowa Federation of Women's Clubs

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als, flyers, public awareness tips, program and activity descriptions, curricula summaries and resource listings.

- **"Keeping Kids Safe: Kids Keeping Safe"** Kit (Revised edition of "Youth Can Prevent Crime" Kit, with new materials)

Over 65 pieces of material covering such issues as missing children, child physical and sexual abuse, latchkey children, property protection, safe school routes, baby sitting, vandalism and child victimization statistics. Gives prevention strategies for parents and children, schools and the community. Includes a new McGruff coloring book, the 20-page booklet, "How To Protect Children" and a 24-page booklet on youth as community resources. Also includes many reproducible editorials, flyers and pamphlets, McGruff bookmark, and "Dear McGruff" letters giving sensitive answers to children's questions.

Order No. K1 $20.00

- **"Take A Bite Out Of Crime"** Kit (formerly "General Kit") (Available 3/85)

Comprehensive action kit for community-based crime prevention. Ready-to-print pamphlets and editorials cover a full range of topics including street crime, home and apartment security, arson, sexual assault, family violence, vacation and holiday safety, auto security, safety at work, and business crime prevention. Shows how to develop and maintain Neighborhood Watch and Operation Identification. Addresses core city crime prevention strategies, environmental design and how to build community partnerships.

Order No. K2	$20.00	English version
Order No. K3	$20.00	Spanish version

New!

- **"Teens in Community Crime Prevention"** Kit (Available 5/85)

Booklets, reproducibles, media tips, program descriptions and promotional strategies to prevent teen victimization and involve youth as participants and resources in crime prevention programs. The ideas in the kit apply to a variety of circumstances and can be implemented by adult leaders or by teens themselves.

Order No. K4 $20.00

"The McGruff materials are making a fantastic difference in our school security awareness program. Kids are listening, they're learning, and they're getting a positive attitude about protecting themselves and their friends."

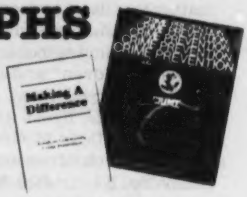
Edgar B. Dews, Jr., Security Director
District of Columbia Public Schools

New!

- **"Employee Crime Prevention"** Kit (Available 5 85)

In reproducible form, this kit focuses on *all* prevention needs of the employee — at work, en route to and from work, at home, in the community. Includes after-school program ideas for working parents who must leave children and teens alone at home.
Order No. K5 $20.00

MONOGRAPHS



Monographs provide in-depth discussion of specific crime prevention topics and can serve as guidebooks for local programs.

- **A Corporate Action Guide**: *Employee and Community Crime Prevention*

Guide to business crime prevention practices and corporate involvement in community crime prevention. Shows how safety from crime at work, at home and in the community can contribute to increased productivity and lower absenteeism, and describes ways to prevent employee victimization. Includes case study reports, suggestions for employee crime prevention education programs, and an extensive resource list of topical films.
Order No. M1 $10.00; 5 or more, $8.00 each

New!

- **Making a Difference:** *Youth in Community Crime Prevention*

(Available 2/85)

This monograph shows how communities can harness the energy of youth to prevent crime and enhance community well being. Discusses key principles that make youth crime prevention programs work and includes studies of programs involving teens, such as teens and the elderly, teens working with younger children, teens and anti-vandalism campaigns, teens and school-based programs, etc.
Order No. M2 $10.00; 5 or more, $8.00 each

"I am extremely impressed and excited about the new Family Activities Calendar. It is great! You have done a fantastic job of developing a most useful and appealing crime prevention resource."

Patricia Beecham, Deputy Director
State of California Office of Criminal Justice Planning

McGruff Family Activities Calendar

Brightly colored 12-month calendar features new "McGruff" activities each month that teach children how to stay safe at home, at play and at school. Includes large space for scheduling family activities, coloring pages, tips for parents, and parent/ child discussion ideas. Full color, spiral bound. Ages 7-11. Order No. C1 $4.00

Bulk discount orders available for your fundraising purposes. 1985 calendar still available. 1986 calendar available Fall '85. Specify year on order form.

The CATALYST Newsletter

The CATALYST is issued ten times a year and covers the latest crime prevention information ranging from in-depth discussions of state association programs to research, and notes on crime prevention events. This 6-page newsletter is currently issued free of charge.

Customized Computer Print-Outs

NCPC is able to retrieve computer listings of a variety of crime prevention programs and resources throughout the country. This information can be selected by topic, geography and by organization type, and includes programs ranging from Neighborhood Watch to youth and school programs, senior citizens and businesses. Basic searches are free; minimal charge for lengthy reports. Call or write NCPC Computerized Information Center, 202/737-4603.

"McGruff" Stuff

The "Take A Bite Out Of Crime" Campaign has licensed a variety of products that can be used to promote crime prevention and/or raise money for your crime prevention program. For information on McGruff's

- Dolls, T-shirts, mugs, pins, litter bags, cookies, etc.
- Puppet/cassette educational program for school children
- Robot
- Costume
- Films

Contact:
National Crime Prevention Council
The Woodward Building
733 15th Street, N.W.
Washington, D.C. 20005
202/393-7141

"We've found the materials most helpful in promoting our citizenship philosophy with little dollar investment. There's positive visibility and our employees are expressing a greater overall security awareness at home, in the community and in the department."

William B. Hoelscher, Manager of Security
General Electronic Company, Aerospace Electronic Systems Department
Utica, New York

BOOKLETS

Roughly 20 pages in length, booklets cover specific types of crime and potential victims. Published by the U.S. Justice Department's Office of Justice Programs for the Crime Prevention Coalition, individual copies are available at no charge from:

Crime Prevention Coalition
McGruff Campaign
P.O. Box 6600
Rockville, Maryland 20850

Booklet titles are:

"Got A Minute? You Could Stop A Crime"

"Got A Minute? You Could Stop A Crime" (Spanish) (Available March 1985)

"How To Crimeproof Your Home"

"Arson — How Not To Get Burned"

"How To Protect Your Neighborhood"

"How To Be 'Streetwise'—and SAFE"

"How Not To Get Conned"

"How To Crimeproof Your Business"

"How To Prevent Rural Crime"*

*Includes a 3' × 2' poster on the "Operation Identification" program for farm equipment.

"Senior Citizens Against Crime"

"How To Protect Yourself Against Sexual Assault"

"How Your Organization Can Take Action Against Crime"

"How To Protect Children"

"Youth and Crime Prevention: *Youth* Can Make A Difference"

Note: The National Crime Prevention Council lends black and white reproducibles of the booklets for local reprinting. $40.00 deposit required. Write to the Director of Technical Assistance.

Booklets are also available for purchase in bulk. Contact:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
(202)783-3238

"The materials, information, and support provided by NCPC have been exceptional."

Sgt. John Griffin
Safford, Arizona Police Department

NCPC STAFF ASSISTANCE

The NCPC staff can assist you in developing and implementing your crime prevention program. NCPC advises on effective use of Campaign media materials, provides appropriate information and program material, performs public speaking, and can link you with crime prevention programs of similar type across the country. Staff members also provide technical assistance to law enforcement agencies, local government, businesses and civic groups. NCPC staff have assisted in the formation of many local and statewide crime prevention associations. NCPC's Regional Roundtable Conferences and Summer Events offer education and training in crime prevention methods and strategies. For information, contact:

National Crime Prevention Council
The Woodward Building
733 15th Street, N.W.
Washington, D.C. 20005
202/393-7141

MEDIA MATERIALS

Local agencies and organizations who wish to tie in to the national campaign may request copies of McGruff's high quality ads at no charge. A limited number of media materials focusing on protection of children are still available. New advertising focusing on teen victimization and teens as partners in preventing crime will be available in the spring of 1985.

The Advertising Council, Inc. will provide free copies (while supplies last) of:

- Newspaper and magazines ads
- Outdoor Boards (available Spring '85)
- Transit Cards to post in community public places (available Spring '85)

Write:

Elenore Hangley, Vice President
The Advertising Council, Inc.
825 Third Avenue
New York, New York 10022
212/758-0400

"100,000 protection of children kits are being sent to every elementary school in the country — and to all governors — in a cooperative effort by the U.S. Departments of Education and Justice, NCPC and ACTION."

Marian Greenblatt, Special Assistant
U.S. Department of Education

HOW TO USE McGRUFF

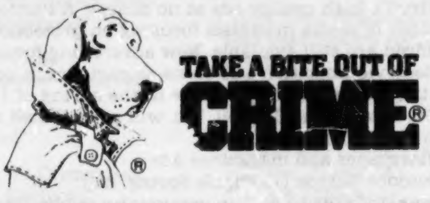
McGruff and other Campaign materials are designed to be adapted easily for local use. Because of McGruff's wide recognition, popularity, and effectiveness, these materials can be used to help promote and attract broad support for all crime prevention programs.

The character McGruff, the names McGruff, McGruff the Crime Dog, Crime Dog McGruff and the "Take A Bite Out Of Crime" logo have all been legally protected by The Advertising Council, Inc.

If your organization wants to reprint any of the Campaign materials exactly as they are, no copyright permission or approval is needed. (You may imprint the name of a local sponsoring organization without requesting permission.) Please send 5 copies to NCPC.

If your organization wants to modify Campaign materials, or use McGruff in your own materials, you must comply with the following conditions:

- Send a draft copy of materials (brochures, pamphlets, newsletters, etc.) for review by NCPC before publication to insure technical accuracy and legitimacy of use.
- Send five (5) copies of your finished product to NCPC for documentation purposes.
- A Registration mark ® must appear next to the figure of McGruff, and next to the slogan if it is also used. Here's an illustration:


®
TAKE A BITE OUT OF
CRIME®

- Use of McGruff is limited to nonprofit, educational purposes. Neither McGruff nor the slogan may be used in any political campaign material, or to endorse any person, company or product.

The National Crime Prevention Council is secretariat to the Crime Prevention Coalition and the managing organization for the National Citizens' Crime Prevention Campaign.

A WORD FROM...

Ah ... McGruff, here, America's number one crime fighting dog.

We've come a long way since I first appeared back in 1979 to help take a bite out of the nation's crime problem.

The Crime Prevention Coalition — that's my team — has grown to almost 100 organizations working together to reduce crime, and the fear of crime, everywhere.

My partners now include millions of members and employees of business, labor, law enforcement, government, youth organizations and citizen groups ... and of course, my co-workers at The Advertising Council, Inc. ... Dancer Fitzgerald Sample, Inc. (my volunteer ad agency) ... the U.S. Justice Department ... and the National Crime Prevention Council (my ... ah, field manager, so to speak).

Together we've created one of the most successful public service efforts in the country, starting with a carefully designed national advertising program that carries my message to millions of Americans each year. I appear all across the nation on TV and radio, outdoor boards and public transit, in newspapers and magazines — even on a U.S. postage stamp — showing people how to watch out, and help out.

Awareness Plus Action

But I don't stop there. My free booklets show people how to take the next step to protect themselves and work together for safer, more caring communities. And my partners at NCPC make sure that people like you have the tools you need to get entire groups of citizens involved.

Take the educational materials and kits in this brochure. They're full of good ideas and ready-to-reproduce brochures, flyers and informative articles for protecting children ... crimeproofing homes and businesses ... preventing assault ... keeping up the momentum of Neighborhood Watch ... involving teenagers as community resources ... making the workplace safer for employees ...

With sound crime prevention information, and a nationally recognized campaign that can be adapted to your situation, I can help you get the word out fast. And because I've become so widely known, people listen; they get involved. My materials have been used by the Girl Scouts in New Jersey, prosecutors in Texas, the elderly in Detroit, child abuse programs, youth-serving programs, businesses, the U.S. Postal Service, the U.S. Department of Education, schools, and police and sheriff's departments across the country.

Through my partners in the Crime Prevention Coalition, I'm working with groups of every type, every day. We help get crime prevention programs started, and help them grow. We help build new partnerships — like teenagers and senior citizens, schools and the police, kids and Kiwanians. We help get the word out to newspapers and newsletters, City Councils and national memberships.

You Know What I Think?

I think it's working!

Everywhere I go these days I see people getting involved ... cab drivers, PTA's, neighborhood watchers, Boys Clubs, churches, business leaders, teachers, grandmothers and kids. And I hear good news. Burglary, robbery, even violent crime rates are dropping from Massachusetts to Texas, Florida to the Pacific Northwest. Cities and towns tell me they've reduced crime by 10 ... 20 ... even 50 percent!

Just goes to show you that when Americans roll up their sleeves to tackle a problem together, good things happen. Crime goes down. Fear goes down. Community ties grow stronger. Pretty soon your neighborhood is a better place in which to live.

Thanks for helping to

TAKE A BITE OUT OF
CRIME®

ORDER FORM

Mail to: National Crime Prevention Council
The Woodward Building
733 15th Street, N.W., Washington, D.C. 20005

Order No.	Item	Quantity	Price	Total

Subtotal ______

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Prepayment required with all orders unless accompanied by official purchase order. *NCPC cannot invoice.* Make checks payable to NCPC. Orders outside the U.S., please remit in U.S. funds.

Normal shipping is U.S. Postal Service third class.

- ☐ I do not receive the CATALYST newsletter and want to receive it.
- ☐ I am currently involved in a crime prevention program.
- ☐ I want our programs to be listed in your computer data base. Please send an application form.

Close to half the money to support McGruff's Campaign — which supports your efforts — must be raised from private sources. Every dollar contributed to McGruff's work produces $50 worth of public service advertising and about $500 worth of educational materials printed, adapted and distributed by a variety of public and private organizations throughout America. Contributions, payable to NCPC—a tax-exempt, nonprofit agency—are tax-deductible.

Ship To:

Name/Title ______ Phone (   ) ______

Organization ______

Address ______

City ______ State ______ Zip ______

SENIOR CITIZENS
AGAINST CRIME
TAKE A BITE OUT OF

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Office of Justice Assistance, Research, and Statistics
U.S. Department of Justice
Washington, D.C. 20531

"As an older citizen, you may feel especially worried about crime. But the truth is older folks are victims of crime less often than younger people. That doesn't mean you shouldn't learn how to take care of yourself.

And that's where I come in. See, it's my job to teach you to protect yourself better. Make it your job to learn. That's what this book is for."

TAKE A BITE OUT OF
CRIME

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Crime Prevention

Crime — it's something almost everyone worries about. Crime prevention — it's something everyone is responsible for, not just the experts. And it can be simple. Like remembering to lock a door when you go out "for just a minute" or making sure that you can recognize a con artist's tricks. Try working with your neighbors and friends — sharing crime prevention makes sense. You'll be multiplying your protection.

This booklet can help you get started. It's designed especially to:

- help you reduce the risk of crimes that particularly affect you

  Swindlers, pickpockets, and purse snatchers often prey on older people, but a few simple precautions can help you avoid them.

- tell you about special crime prevention programs just for senior citizens

  Special escort services, "good morning" check-up calls, and neighborhood storefront police officers designed to give senior citizens special access to police . . . these are just a few examples of programs for senior citizens.

- help you join — or even start — senior citizen crime prevention programs in your neighborhood

  Police-trained senior citizen security inspection teams in St. Louis help seniors install better locks and peepholes, and senior citizen "block watchers" in Seattle watch for crime or suspicious activity in their neighborhoods. And there are many more activities that may be just right for you and your neighborhood.

> **"Many older folks say that crime is their first or second biggest worry. In fact, I hear that some senior citizens are so afraid they shut themselves up in their homes and rarely go out! You can lose out on a lot that way. Knowing the facts about crime can help you end needless worries and focus on real concerns."**

Know What Crimes Affect You . . .

The first step in preventing crime is knowing just what the risks are. Check with your local police or sheriff to find out about specific crime problems in your area. Surveys by the Federal government show that senior citizens are the victims of crime less frequently than younger people — perhaps because older people go out less often and are naturally more cautious than the young. So your risk of becoming a crime victim may be lower than you think.

The risks **are** higher for senior citizens living in large urban areas than for their counterparts in rural communities. This is true for the entire population — cities and suburbs have higher crime rates than rural areas. But seniors are especially vulnerable to certain crimes — purse snatching, mugging, and fraud.

. . . and what makes you vulnerable.

Most criminals look for an opportunity to get something of value in the easiest possible way. The harder you make it, the less likely you are to be a victim. Don't give crime a chance! Discourage criminals by being one step ahead. Follow the tips in this booklet to make yourself and your home more secure.

Remember to report . . .

Common sense tells you that the police can't do anything about crime unless they know about it. But, like the rest of the population, the elderly often don't report crimes. In fact, more than half of all crimes go unreported.

. . . the police can't do it alone.

Don't protect a crook! In many communities, law enforcement agencies have special crime reporting procedures that make it easy for senior citizens to get help — and be helpful.

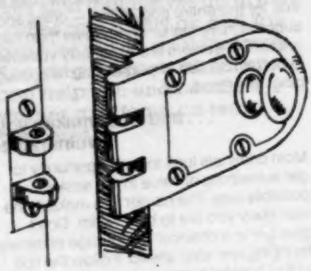
Simple Steps To Reduce Your Risk . . . At Home

Whether you live in a house or an apartment, there are some basic safety rules to follow. If you are handy with tools, you may be able to install your own security devices — locks and simple alarms. If you need assistance, contact your local law enforcement agency to find out if groups in your area lend a hand to seniors who want to bolster their security.

If you live in an apartment or retirement community, you may not be permitted to install certain security devices. Talk to your manager about installing special alarm systems, better lighting and locks, or closed-circuit television cameras to watch hallways and entrances.

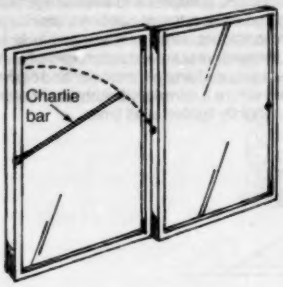
Locks

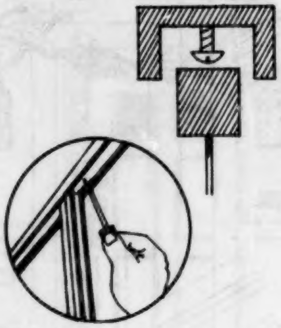
A basic rule of crime prevention is — LOCK UP! Surprisingly, in almost 50 percent of home and apartment burglaries, someone didn't lock a door or a window, or left a key in an obvious hiding place. Learn to lock as a matter of habit, even if you'll only be away for a few minutes. A good lock for each exterior door is the best investment you can make. Most law enforcement experts agree that the best kind of lock is a **deadbolt lock with a 1-inch bolt.** Don't settle for anything less! And don't rely on a chain lock — even one with a key. Many chain locks can be easily broken by a strong push against the door.



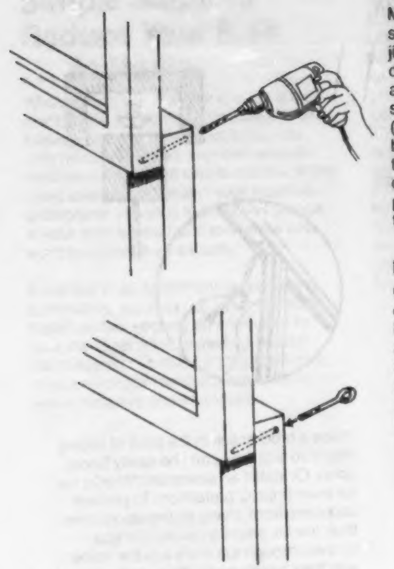
Doors

The best exterior door for a home or apartment is **solid core wood** (at least 1¾ inches thick) or **metal.** Many hollow core doors and doors with glass panes can be easily smashed and forced open. To strengthen inadequate doors at little expense, install metal grilles or break-resistant plastic panels over the glass. Be sure doors fit in frames tightly — with no more than a ⅛-inch clearance between the door and frame. Too big a gap? Bolt a sturdy metal strip to the door edge or replace the door. To know who's on the other side of your door, install a "peep-hole" or wide-angle viewer in your door — and use it.





Place a broomstick in the track of sliding doors so that they can't be easily forced open. Or install an aluminum "charlie bar" for even greater protection. To prevent someone from prying sliding doors from their tracks, insert a couple of metal screws through the track into the frame with their heads protruding just far enough so that the door clears.



Windows

Many window locks do not provide good security — they can be easily forced or jiggled loose. You can secure traditional double-hung windows by drilling a hole at a slight downward angle through the first sash and into, but not through, the second (back) sash. Then slip a large nail or eyebolt into the hole. You can easily remove the nail when you want to open the window. If your windows slide sideways, a piece of broomstick or wooden dowel in the track will make them harder to open.

Lighting

Good visibility discourages crime. Keep doorways, garages, and even alleys well lighted. In apartment buildings, stairways and corridors, storage space and lockers, laundry rooms, areas under stairwells, garages, and any other nooks and crannies where a criminal could hide should be brightly lighted at all times.

Outdoors

Trim heavy bushes and trees near windows and doors. They can provide cover for burglars. Don't "hide" extra house keys nearby. Burglars can figure out your hiding places. Always keep garage doors closed so no one can tell when you're away.

If You Are A Victim

If you arrive home and suspect a stranger is inside, don't go in! Leave quietly and call the police. Remember, your own safety should always come first.

If you confront a burglar in your home, don't attempt to corner him. Most burglars will flee if they can. You, too, should leave, if possible. If the intruder is armed, sit down quietly and obey instructions. **Do not resist or fight.** When the burglar leaves, **call the police immediately.**

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"In a Washington, D.C. suburb, a teenager mugged a 68-year-old woman. The woman lost her social security check and a Mother's Day present. The mugger was never caught. Sound familiar? This story has a happier ending, though. The incident sparked local senior citizens into action. With help from police, they installed good locks on their doors and organized neighborhood watches. They raised money and hired neighborhood youths to turn an old garage into a recreation center for teenagers. Now that's what I call getting a grip on a problem!"

Simple Steps To Reduce Your Risk — On The Street

Street criminals are opportunists, always looking for an easy way to commit a crime. Muggers look for lone victims in out-of-the-way places. Pickpockets like crowded, busy locations and careless people. And purse snatchers, most of whom are teenagers, like to pick on people who can't move as quickly as they can.

Make it harder for the criminal to make you a victim by following a few rules:

- Never carry a wallet in your back pocket. Even an amateur pickpocket can lift it before you realize what happened.
- Don't dangle your purse at your side or leave it sitting unattended on store counters. **Don't carry a purse if you can avoid it** — instead tuck money or credit cards in an inside pocket. If you sew, stitch a small cloth pocket inside your coat.
- Avoid flashing your cash. This is a signal to potential robbers. They might follow you to a location where it's easier to rob you.
- Arrange your schedule so you don't have to walk alone on dark, deserted streets. Stay clear of shrubbery and parked cars, which are convenient hiding places for criminals. Try to have a friend accompany you on errands, particularly in high-risk neighborhoods.
- Don't wait alone at deserted bus stops. If you can, walk to the next stop where others may be waiting, too.
- Don't enter dark parking lots or deserted garages alone. Be cautious about riding alone in an elevator with a stranger, even in your own apartment building.
- Forget about carrying a lethal weapon. An attacker might use it against you.

> "Most of this is plain common sense. It boils down to these simple rules:
> **Be Aware** of situations where crime can occur,
> **Be Alert** at all times, even in your own neighborhood, and
> **Be Accompanied By Someone** whenever possible, especially at night and in high-risk neighborhoods."

If You Are A Victim Of Street Crime . . .

Don't attempt to resist. You might get injured. Sit down, even on the sidewalk, so you won't get knocked down. Make noise — call for help or carry a whistle and blow it repeatedly. **Never pursue** your attacker . . . **Call the police immediately.**

Simple Ways To Reduce Your Risk . . . From Fraud

If a deal sounds too good to be true, it probably is! Yet every day people get taken by such schemes as:

The Pigeon Drop – *the swindlers claim they've found a large sum of money and offer to share it with you. They ask you to put up some "good faith" money before you get in on the deal. That's the last you'll see of it. You're left with nothing but phony instructions on how to collect your share of the "found" cash.*

The Bank Examiner – *a phony "bank examiner" calls and asks you to help catch a dishonest bank employee. You are asked to withdraw some cash from your account and turn it over to the bank examiner, who will check the serial numbers and catch the embezzler. After you turn over your money, you'll never see it or the examiner again.*

Do these swindles seem obvious? Actually, they're two of the most frequent and successful con games used. In fact, "pigeon drop" swindlers make millions each year, mostly from older women. Con artists dupe, defraud, and cheat unsuspecting Americans out of several billion dollars each year. People of all ages are victims, but the swindlers' prime target is the senior citizen.

Swindlers see the elderly as easy marks for many reasons. Many older people live on social security and pensions supplemented by savings. They may be looking for ways to increase their incomes through investments, home business opportunities, or retirement properties. Such business ventures may be sound, but some are ideal settings for fraud.

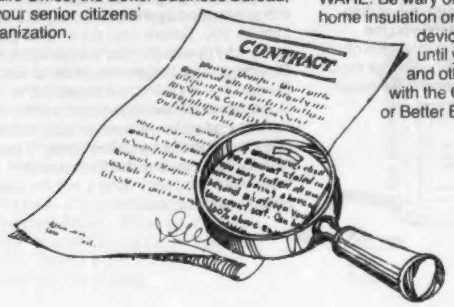
Con artists know that many people today worry about inflation and energy costs. They've come up with beat-inflation schemes and phony energy conservation gimmicks that may be hard to resist. But it pays to beware and check things out carefully before you invest or buy.

Hearing aid and insurance ripoffs, health quackery, and work-at-home rackets are other well-known swindles aimed at senior citizens. Most con artists promise "incredible bargains" or "quick money." Unfortunately, senior citizens are just as vulnerable as everybody else when it comes to get-rich-quick schemes.

Swindlers are usually well dressed, talkative, and intelligent. After all, they are trying to win your confidence. They'll play to your natural inclination to be helpful. Let's face it, most of us don't expect to be cheated. Here are a few tips to help you spot swindles and frauds:

Buying By Mail

Before you buy by mail, consider looking for a better deal at a local store. If you do order by mail, remember that the Federal Trade Commission requires that most mail-order companies fill your order within 30 days unless the order form states otherwise. You can cancel the order if it's not filled within the 30 days and the company must return your money in 7 days. Be alert to "easy" ways to make money or offers for a "bargain" retirement home or land in the sun. Beware of "winning" a contest you never entered — a technique to dupe you into buying something you don't want. Check first with the local Consumer Affairs Office, the Better Business Bureau, or your senior citizens' organization.



Buying At The Door

Don't fall for gimmicks or so-called "free" gift offers. When salespeople call, wait. DON'T buy today. If it's legitimate, they'll come back tomorrow. In the meantime, check out the company with your local Consumer Affairs Office or Better Business Bureau. And remember, whenever you make a purchase in your home totaling $25 or more, the salesperson must give you a written contract and two Notice of Cancellation Forms. You have 3 days to change your mind and use one of those forms to cancel your contract.

Home Repairs

If someone comes to your door who "just happened" to be walking by and noticed your home needs some repairs, BEWARE. Be wary of door-to-door sellers of home insulation or other energy-saving devices. Don't sign anything until you get another opinion and other estimates. Check with the Consumer Affairs Office or Better Business Bureau, too.

Signing Your Name

Before you sign a contract or agreement, make sure you understand and agree with everything it says. Don't skip the small print and ***never*** sign a blank contract or one with blanks to be filled in later. If your eyes aren't as good as they used to be, have a friend read it to you. Check with your lawyer or local legal aid society to be sure the contract is sound. If you do sign a contract but later have second thoughts, check with your local Consumer Affairs Office to find out your rights in your state.

Buying On Credit

Credit is available from many different sources, so it's wise to shop around. Be wary of "low monthly payments." Find out the total amount of interest you'll pay over the life of the loan. The Truth-in-Lending Act requires that creditors tell you the annual interest rate and the total cost of the credit. Your bank, credit union, or local legal aid society can tell you if the interest rate is fair.

Health "Cures" And Health Machines

Some are good, and some aren't! Check with your doctor or local health clinic before you buy. Don't take anyone else's word. Be wary of "mail order" labs or clinics that offer to diagnose and cure diseases through the mail. Only go to medical laboratories and clinics recommended by your doctor or hospital. And never use medicine prescribed for someone else.

Health Insurance

A lot of senior citizens worry about getting sick and being unable to pay for medical expenses that Medicare doesn't cover. There is health insurance that is supposed to pick up where Medicare leaves off. However, many such policies offer inadequate coverage. Or the type of coverage provided by the policy may not be right for you. Before you buy a "medigap" policy, check with the State Insurance Commission, a lawyer, the Better Business Bureau or a knowledgeable individual. Congressional hearings on insurance rackets and national news programs have questioned these so-called "bridge" policies. Before you buy health insurance, make sure the policy does what the salesperson says it does.

Glasses And Hearing Aids

Check with your doctor or local health clinic if you think you need glasses or a hearing aid. They must be properly fitted. Don't buy them at a bargain price without your doctor's okay. A bargain isn't a bargain if you can't use it. Remember this important fact: ophthalmologists or optometrists may prescribe glasses but you are not obligated to buy from them. You can buy elsewhere if you're not satisfied with their prices.

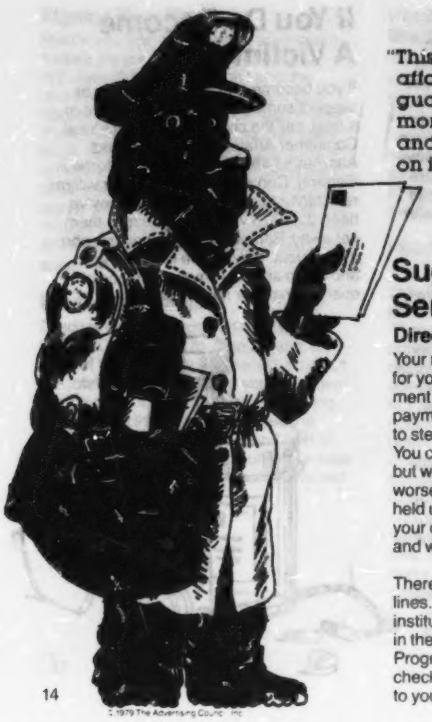
Some Special Tips

Don't be afraid to say "no!" High-pressure tactics can convince you to buy something you don't want or need. And don't be afraid to delay making a decision so you can check with a lawyer, your local Better Business Bureau or Consumer Affairs Office, or other knowledgeable individuals.
Get a receipt for all transactions.
Check on sellers — if they're legitimate, they won't object.
Talk with a bank officer if you're going to withdraw your savings to make a purchase or close a business deal. He or she can help you do it safely and wisely.

If you have any questions, call your local Consumer Affairs Office, your Mayor's Office, or your County Commissioner's Office. They're there to help you get advice and assistance.

If You Do Become A Victim

If you become a victim of a swindler or suspect something about a purchase or a deal, call the police, your state or local Consumer Affairs Office, the District Attorney's Office, or your State Attorney General. Con artists count on their victims' reluctance to acknowledge that they've been duped. If you delay, you help them get away. Remember, if you never report the incident, they're free to cheat again and again and you have no chance of ever getting your money back.



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"This is one program you can't afford to miss! This way, you're guaranteed to receive your money with no delay, no theft, and no fear. You can 'bank' on it!"

Suggestions For Seniors

Direct Deposit Program

Your mailbox may not be the safest place for your monthly Social Security or retirement checks. Thieves can easily learn the payment dates and be ready and waiting to steal your mail when the time is right. You can get a duplicate check in a while, but what do you do in the meantime? Even worse than the mailbox ripoff is getting held up or mugged just after you've cashed your check. You can't get reimbursed, and worse yet, you could be injured.

There **is** a simple way to protect your lifelines. Almost every bank, savings and loan institution, and credit union participates in the Federal government's Direct Deposit Program. It's easy to arrange for your checks to be **deposited automatically** to your account. Just take your next check and your Medicare card or benefit award letter to the place where you bank and tell them you want to sign up for Direct Deposit. They'll help you fill out the form and give you a copy for your records.

Insurance Information

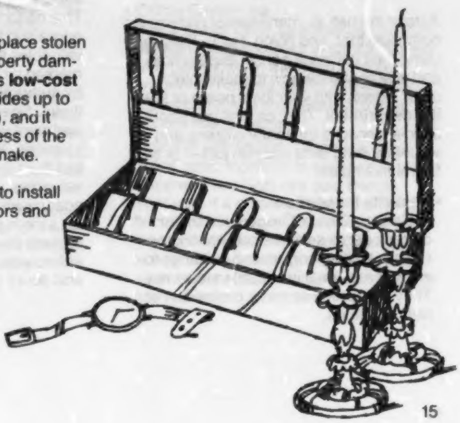
Are you unable to get home or apartment insurance against burglary or robbery? Or is it too expensive for you? Then look into Federal Crime Insurance — insurance that's sold by the Federal government in 28 states.

The insurance will help you replace stolen possessions or repair any property damaged in a break-in, or both. It is **low-cost** (less than 25 cents a day provides up to $10,000 household protection), and it **cannot be cancelled** regardless of the number or size of claims you make.

All you have to do to qualify is to install approved locks on outside doors and windows.

For information and eligibility requirements, call any licensed property insurance agent or broker, or call toll free:

Federal Crime Insurance Program
P.O. Box 41033
Washington, D.C. 20014
Toll Free #: (800) 638-8780
In Washington, D.C. & Maryland call:
(301) 652-2637



Neighborhood Actions . . . To Make Your Neighborhood Safer

Crime prevention doesn't stop at your door. Get together with your friends and neighbors and come up with your own good ideas about how to prevent crime in your neighborhood or building.

Across the nation, many senior citizens are doing just that, and doing it well. They're using their common sense, experience, and practical knowhow to make things safer. Check with your local police or sheriff's department. They can tell you about special services for senior citizens and volunteer programs you can join — or start. Some examples:

- **Security Inspection**
  In Cottage Grove, Oregon, six senior citizens serve as crime prevention specialists, visiting homes and buildings to instruct residents in security measures. They also promote crime prevention at civic functions.

  In St. Louis, Missouri, a team of 84 police-trained senior citizens perform 140 home security inspections a month, helping other senior citizens install locks and peepholes, and fix broken windows and light fixtures. Contact your local police or sheriff to see if they can help you determine where burglars might get in and how you can prevent it.

- **Operation Identification**
  A group of seniors in Natick, Massachusetts, joined Operation Identification. This nationwide program provides free engraving for identification of household valuables like TV's and stereos. If the marked property is stolen and recovered by authorities, the owners can prove it's theirs. See if your police or sheriff's department will help you engrave your possessions. You can also buy an engraving tool from a hardware store to mark your valuables. Ask your law enforcement agency what identification number to use. Be sure to post Operation Identification stickers (available from many local law enforcement agencies) on your windows and doors to warn burglars away.

- **Buddy Buzzer System**
  Tenants of a retirement building in West Bronx, New York, installed buzzers in each apartment that sound in one or two other apartments. Residents can call for help from a neighbor just by pushing a button. Good for all kinds of emergencies!

- **Citizen Escort**
  In Wilmington, Delaware, young people and other volunteers escort senior citizens on errands. On New York City's Lower East Side, 10 mini-buses take area senior citizens to health care facilities, shopping, and other functions without charge.

- **Citizen Patrol**
  In cities as large as Seattle, Washington, and as small as Mansfield, Ohio, senior citizens serve as eyes and ears for law enforcement. They patrol their own buildings and neighborhoods, on the alert for suspicious activity. Even shut-ins can provide valuable help by watching for unusual activities. Remember to check with your local law enforcement officers before you start so you can work as partners.

- **Neighborhood Watch**
  You don't have to go outside to protect your neighborhood. Exchange telephone numbers and daily schedules with neighbors on the block. That way, you'll be able to spot unusual activities that may signal a crime. For example, burglars sometimes masquerade as movers. If your neighbors said nothing about moving when they went on vacation, then call police if you see a moving van parked outside their house.

- **Crime Reporting**
  In Mansfield, Ohio, police issue confidential identifying numbers to senior citizens who participate in the Senior Power program. That way, senior citizens can report crime and suspicious activities without fear of reprisal.

  Police in Wilmington, Delaware, provide police radio monitors to selected senior citizens in two high-rise apartments. That way, if a crime occurs in the neighborhood, 15 seniors are alerted — looking out their windows for suspicious persons running or hiding. And if someone sees a suspect, he or she calls the police immediately.

- **Volunteer Programs**
  In Far Rockaway, New York, senior volunteers monitor a base station citizen's band radio located at the police station. When a call for police service is received over the citizen band, they relay it to the police dispatcher. They've helped with calls about crimes in progress, automobile accidents, boats in distress, fires, plane crashes, and many other emergency situations.

  In Phoenix, Arizona, Sheriff's Posses — groups of senior citizens — patrol their neighborhoods on foot, bicycle, and even golf cart! They also go door-to-door to promote Operation ID and Neighborhood Watch. By doing these things, they free more officers for patrol. Not only that, the Sheriff's Office figures these Posses save taxpayers about $1 million a year!

Ask your local law enforcement agency or senior citizen center about programs in your community. If none exist, consider organizing your own group to take action against crime. For assistance write to:

- American Association of Retired Persons/National Retired Teachers Association
  1909 K Street, N.W.
  Washington, D.C. 20049
- National Council of Senior Citizens
  1511 K Street, N.W.
  Washington, D.C. 20005

"Why not get involved? You can help your neighbors, your law enforcement agency, your community, and yourself! The one person you **won't benefit** is the crook! There's another benefit! According to a Philadelphia group, their 'Senior Safety Program' does more than prevent crime. They say they have a group of healthier, happier senior citizens who do not live in fear any longer, who stop isolating themselves from society, and who find new purpose in their lives, being an **active** part of their community."

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Organizations Participating in the Crime Prevention Coalition

The Advertising Council, Inc.
AFL-CIO Department of Community Services
American Association of Retired Persons
Boy Scouts of America
Bureau of Justice Statistics
Federal Bureau of Investigation
General Federation of Women's Clubs
Insurance Information Institute
International Society of Crime Prevention Practitioners
Law Enforcement Assistance Administration
National Association for the Advancement of Colored People
National Association of Attorneys General
National Association of Counties
National Association of Criminal Justice Planners
National Association of Social Workers
National Center for Community Crime Prevention
National Conference of Christians and Jews
National Congress of Parents and Teachers
National Council on Crime and Delinquency
National Council of La Raza
National Council of Senior Citizens
National Crime Prevention Institute
National Criminal Justice Association
National District Attorneys Association
National Education Association
National Exchange Club
National Governors Association, Committee on Criminal Justice and Public Protection
National Institute of Justice
National League of Cities
National Organization of Black Law Enforcement Executives
National Retail Merchants Association
National Retired Teachers' Association
National Rural Crime Prevention Center
National Sheriffs' Association
National Urban League
Office of Justice Assistance, Research, and Statistics
Optimist International
Police Executive Research Forum
Service Corps of Retired Executives
U.S. Conference of Mayors
U.S. Department of the Army
U.S. Department of the Treasury, Direct Deposit Program
U.S. Jaycees

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Mr. **Roybal**. Thank you. The Chair recognizes Mr. Eldon Page, and then we'll go to Ms. Gooderham, and then the Judge.

STATEMENT OF ELDON H. PAGE

Mr. **Page**. Thank you, Mr. Chairman, and members of the committee. It is a pleasure to be here and an honor to be invited to come and present our program in Sun City, AZ, to you.

Sun City, AZ, is a community located about 12 miles west of Phoenix. It is a retirement community. It covers about 21 square miles, and has a population of about 47,000 people, and it is also unincorporated.

The community is very unique in itself. The people come from all walks of life. Every type of background that can be found, will be found there. The people are very community oriented. They want to do things for the community, and they work together. Volunteerism, is probably the highest in the country.

Mr. Chairman, you have a copy of this document before you. I am going to skip over part of it and get into the part that we really want to talk about, and that is crime prevention and training. The history of the organization I am going to jump over, if that is all right with you, sir.

Our training program involves some 225 people. The people are very well trained. They are trained in all fields that are necessary to perform their function and their duties. We run a basic training program that covers law, patroling, search and rescue, communications, traffic, first aid, and CPR. The CPR program is very vital in our area. Each person has to recertify each year. Many times our people are on the scene ahead of the paramedics and are giving CPR when the paramedics arrive. This has happened many a time, and it has been very successful. We work very closely with the paramedics in those areas.

The basic training program is very vital. It has to meet all the requirements of the State. The Arizona Law Enforcement Officers Association stresses all the areas that have to be taught, and we meet all the requirements.

We go on then, for those that wish, to an advanced training program. The advanced training program is very extensive. We have about 50 that have completed this. This is strictly voluntary. It is not required; it's just voluntary.

It involves weapons training. I have the advanced training uniform on, partially, today. I could not wear the weapon here. They wouldn't allow it on the plane, and I don't think you'd want it here. So I left it back in Arizona.

The training is very rigorous. We have to meet the same requirements on the range that the regular deputies do, qualify twice a year with a score of 250 or better out of 300. Sometimes we outshoot them. They wanted to have a contest and then they backed down. They didn't want to shoot with us.

The next phase of training is an area where we train people to be duty officers or in charge of a shift. This includes people that are capable of leadership and making prudent decisions. This is also very important.

Many times we have special training programs, or something new comes out and we will provide the training on that. We use many of the regular deputies that are instructors to bring these special programs to us, and they are well received.

Now, to get into the duties of our organization. The duties of the Posse cover a large range of activities and they are extremely important in helping to make Sun City a safe retirement community. They include patroling and foot patrol. We have 10 squad cars. They are 1983 Impalas, four doors. They have the same insignia that the regular deputies' cars have; they look just like one of their cars. And in 1984 we patroled in excess of 184,000 miles in Sun City. And as the records are showing so far this year, we will be exceeding that this year. We know for a fact that visibility pays off. It is paying off more and more all the time.

We are trying to increase our membership now so that we can add more patrols for more visibility.

During the Christmas holidays we have a foot patrol program. We have people walking in the shopping centers. This is also a deterrent to crime. Since we inaugurated this program about 2 years ago, we have not had a purse-snatching in the shopping centers at Christmas time. We have our fingers crossed; we hope it's working. It seems to be. We will try it again this year.

We run a vacation watch program that is very important to our community. As you know, we live in a very warm climate. In the summertime particularly it is up in the 100's most of the time. A lot of the people leave that area and go to a cooler climate. We have a vacation watch program in which we check their homes. Basically, we check their homes on the outside, check the doors, the windows, and see if they are secure. The resident fills out a card, indicating the person that has the key to their home. If we find anything wrong we contact them.

From May 1 of this year until September 30 of this year, we made 14,047 home checks. That is quite a few homes to be checked. Not that many different homes, but they were checked several times.

We also have a search-and-rescue program. As you know, it's a retirement community and we have people there, many of them up in years. Sometimes they wander away from their home and become lost. We have several people who have Alzheimer's disease, and they don't know where they are, and we're out looking for them. Sometimes they will go out for a walk just before dusk, and it's the middle of the night, sometimes, before we find them. But we are trained to do that.

Sometimes we are also called out by the sheriff's department to go out into the desert and help on a regular search patrol.

We also have a traffic control program. There are a lot of cars in Sun City. They come from every State. Every State has a different set of traffic laws, and they think their traffic laws work wherever they go. It doesn't always work that way. We have a lot of problems with traffic at times, and our people are trained to handle these. They also assist the deputies if there happens to be an accident. They control the traffic.

After all this, I think our main objective is crime prevention. Now this is what we want to stress today. First of all, I have already talked about the visibility of our people. Our people on the streets are out there many, many hours a day and they do a good job. But let's get into the education a little bit.

The education of our senior citizens is so vital. Our entire crime prevention program is directed toward the prevention of crime. Not only does this include patrolling and vacation watches, it also includes another area which could possibly be the most important, and that is the education of the citizens.

Our education includes five areas. I have already talked about the Neighborhood Watch Program, and the lady on our left here has talked about pamphlets. I am sure she has one of these, too. On the first page—if I may—it says,"I want to know the best crime prevention device ever invented: a good neighbor."

In fact, neighbors who are working together in cooperation with law enforcement can make one of the best crime-fighting teams around. We call that neighborhood watch.

We have many areas within our community under the Neighborhood Watch Program. We have many condominiums in Sun City, several thousand, to be exact. And nearly all of the condo associations, have incorporated the Neighborhood Watch Program. Not only is it good, but you get to know your neighbor better. You get to know the neighbor well enough that if you see somebody coming up to their condo, you know whether they belong there or whether they don't belong there. And it's a good, good program.

One of the next areas is home security checks. This has briefly been mentioned. The security of the home is of prime importance, and too often the resident is not aware of the proper way to accomplish this. We have a trained group that will go into the home upon request and make a thorough check of that home, both inside and out. They then explain to the resident what he or she could do to improve the security of their home. A detailed list is prepared for the residents as to what should be done.

We have found this to be very successful. We have calls constantly from people who have found out about this program. They will ask us to check their home. That is the only time we'll go is if they ask us. But it is working. To add to this, just recently we have had a rash of burglaries by a "cat burglar." And every one of those burglaries has been a walk-in. A door was open or a window was open. Here again it comes back to the education of our people, and we are trying very hard to do just this.

We also have another program that is an offshoot of the home security check program. This is "Operation Identification." This is for the commercial areas of our community. Each commercial area, which includes doctors' offices and business offices and stores and such as this, has an identification card in the front window or some location that's visible in the front of their establishment, with a code number on it. That code number is entered into a computer. If at any time after that area is closed we find something wrong, a door opened or something going on that shouldn't have gone on, we can call the sheriff's office, give him the code number, and immediately they can give us the person that needs to be contacted for that building. And it is saving a lot of precious time. Before we had this, sometimes it was hours before we could locate the person that we needed to talk to.

This Operation Identification has worked out real fine, and we have a team of two people that work on in, and it's just about a full time operation to keep up with it.

The next area is Project Awareness. This is a new program that we just instituted this year. We came to realize that we have a lot of new people moving into Sun City. We knew it but we hadn't really given it a thought. And they are coming in from all areas of the country. When they come in to Sun City they are confused, they don't know where to go or what to do, who to talk to, who to call in case of an emergency, and what to look out for. We came to realize that these new residents were not familiar with the area, with the problems they might encounter, and also what help is available for them.

We put together a team made up of four couples who were husbands and wives. Incidentally, we have about 10 husband-and-wife teams in our organization. And after several planning and training meetings the teams were ready to call on each new resident. A packet was prepared which contained several types of informative literature. It includes information on scams, con games, bad checks, and home security, just to mention a few. Also, the resident is told what services are available for them and given phone stickers of all emergency numbers. This is only a new program, but the response has been very encouraging.

We have one other area that we use quite regularly for educating our residents. This is speaking to groups. We are continually getting requests to speak to various groups such as the Lions, women's clubs, Rotary clubs; et cetera, we have many clubs there. And we use this opportunity to present such programs that I have mentioned before, to tell them about what is available, what can be done. And then we open up the floor for questions. And we find that many of them have a lot of questions that they need answered. They have heard rumors which were not true, and we can clarify those rumors, and give them the information that they need.

Just briefly on the facilities that we have. In order to operate an organization such as this it takes a lot of facilities. We have a building that covers about 4,500 square feet, that was dedicated in early 1980. It is necessary to maintain the building and its facilities. It includes office space, training areas, supply room, dispatch center, vacation watch room, briefing room, garage, and an assembly area that seats about 200 people, which is used for meetings and training.

Our rolling stock includes the Impala cars that I told you about, plus a communications trailer which is equipped with all types of communication, and we take this at a scene of a disaster, or make a command post out of it, or it can be used in emergency areas of various types such as search and rescue. We also have a 4-wheel-drive truck. It is a rather old truck but it serves the purpose, and we use this to pull the trailer.

It became necessary this year to establish our own firing range. We have to be certified all the time. We located a piece of ground west of Sun City, leased ground that belongs to the flood control district, for a dollar a year. We built our range on that. And I might even add, they wouldn't take the dollar when we tried to give it to them.

The communication room is set up for dual operation

With two consoles which were donated by the sheriff's department 2 years ago. Each patrol is equipped with all necessary radios and we must maintain 20 portable radios at all times.

We are asked, How do we fund this program? We do not receive any county, State, or Federal funds. We operate solely on donations from the citizens of Sun City. Each year on October 1 we mail a letter to each resident explaining our needs, and the responses have always been very good. For each gift received we give a receipt and a bumper sticker which states, "I Support the Sun City Posse" and gives the year on it.

Our budget each year varies, depending on the need for major new equipment such as patrol cars, and this year we have to order patrol cars again. Our operating budget is between $70,000 and $80,000 a year, and it is covered by donations alone.

There are also no paid employees in the organization. The posse members purchase their own uniforms and equipment at their own expense. The uniform that I wear when it is complete will cost in excess of $600, with a gun and everything. All work is performed by volunteers, and in 1984 they had in excess of 70,000 man-hours. This year we will be exceeding that.

Mr. **Roybal**. I'm going to have to cut you short there. We are pressed for time.

Mr. **Page**. Let me close it off there right now then, sir.

Mr. **Roybal**. Close it off? All right, go ahead.

Mr. **Page**. You asked about Federal and State legislation. I believe one of the devastating crimes against the elderly are scams and con games. Many unsuspecting and trusting elderly people have lost their entire savings to these unscrupulous individuals posing as law-abiding citizens. Finally, Mr. Chairman, I am concerned for our elderly. I am also encouraged when I see meetings such as this which indicate that you gentlemen are interested and are doing something about this program.

I fall into the category of the elderly. I will be 69 next month. I don't feel elderly. I don't have time to feel elderly. I put in more hours now than I ever did when I was working full time.

This program is very important and much needs to be done. I personally do all that I can to assist in this area. Let us all work together for the protection of our elderly citizens and work together to whip this problem.

Thank you.

[The prepared statement of Mr. Page follows:]

SHERIFF'S POSSE OF SUN CITY,
Sun City, AZ, October 16, 1985.

Mr. EDWARD R. ROYBAL,
Chairman, Select Committee on Aging,
House of Representatives, Washington, DC.

DEAR SIR: The attached document is per your request of October 3, 1985.

This document covers the Organization and Operation of the Sheriff's Posse of Sun City, AZ. It includes its History and the impact on crime in our retirement community.

Sincerely,

ELDON H. PAGE,
Commander.

PREPARED STATEMENT OF ELDON H. PAGE

HISTORY

Sun City, Arizona, is located approximately 12 miles west of Phoenix, Arizona, on State Highway 60 and 94. It is a very unique unincorporated retirement community covering some 21 square miles with a population of nearly 47,000. The residents come from every state in the Union and represent nearly every facet in background and experience. The residents are community oriented, and volunteerism is a very important part of the success of Sun City.

In 1960 when Sun City was started it was located in the middle of cotton fields. Today it is nearly completely surrounded by new developments.

The law enforcement for Sun City was and still is provided by the Maricopa County Sheriff's Department and it was difficult to keep up with the tremendous growth in the area. By 1973 Sun City had grown to approximately 30,000, and at this point a group of citizens met to discuss the possibility of organizing groups to patrol the streets as a deterrent to crime. After several organizational meetings, a group was formed. They patrolled in their own cars and used C.B. Radios for communications, with a C.B. base station in one of the member's homes. If any problems arose, the Sheriff's Office would be notified by telephone. This organization operated under the Civil Defense program.

After nearly a year under this operation, the group realized that the service they were performing was not Civil Defense, but was more directly involved with law enforcement as the eyes and ears of the Sheriff's Office. It was then the group contacted the Sheriff's Office and requested a meeting. After several additional meetings, the Sheriff's Posse of Sun City was formed and placed on a full time status. Since that time, the Posse has grown not only in number but in experience and training. We have been copied in many areas of the United States and in several foreign countries.

ORGANIZATION

The Sun City Posse was organized in 1974 and, shortly after, became incorporated as a non-profit corporation. Articles of Incorporation were prepared and By-Laws for the Posse were prepared and approved by the Sheriff's Department. The same By-Laws are still in effect today with a few changes and additions over the years necessitated by new requirements and needs within the department and the community.

All business of the Posse is conducted by a Board of 16 Governors; 12 are elected by the Sun City Posse membership; four are appointed by the Commander and approved by the Board. Board members whose terms have expired and the Commander are elected at the December meeting each year. Governors are elected for a three-year term, or two complete the term of a vacancy on the Board. Commanders are elected from the Board of Governors by the Posse membership for a term of one year. The Commander holds the rank of Captain, and the Board members are Lieutenants. (See Organizational Chart, attached).

MEMBERSHIP

Members of the Posse are all volunteers and must be residents of Sun City. Each person desiring to become a member is given literature explaining the Posse in detail and also explains the requirements and training which is necessary to become a member. After the person has had sufficient time to read the information and is still interested, the Recruiting Officer will make an appointment with them to answer any questions he or she might have. They are then given an application and a date to meet with an oral board.

The oral board, which is made up of 4 or 5 members of the Posse, will interview the applicant who is again given the opportunity to ask questions. The oral board will also explain areas of the Posse operation and question applicants. Applicants are then taken to the Sheriff's Department for pictures and fingerprinting, plus a background check to verify information on the application forms.

At this point, if everything checks positive, the applicant is assigned a Posse Number and Identification Card, which allows the applicant to enter the training program.

At the present time, we have approximately 225 members which includes 35 women and 8 husband and wife teams. These members volunteered 70,000-plus hours in 1984 and will exceed this in 1985. Because of the growth in the area and additional demands for our service from the community and Sheriff's Department, we are now in a major recruiting drive to increase our membership to 300.

TRAINING

The training program is very complete and all classes are taught by certified instructors, and is divided into four areas:

1. Basic Training
2. Advanced Training
3. Duty Officer Training
4. Special Training

(1) The basic training program encompasses all the areas which are necessary for the basic Posseman. It includes history of the Posse, Law and the Posse, Conduct and Appearance, Patrolling, Search and Rescue, Communications, Traffic Control, First Aid, and Cardiopulmonary Resuscitation (C.P.R.).

(2) The advanced training program is designed for those who desire and are qualified for additional training. This is not for everyone and the applicants are screened very thoroughly. This training is for those wishing to carry a weapon. The course consists of 20 to 30 hours of classroom work, which covers several subjects related to the weapons and advanced training. When the individual satisfactorily completes this phase, he or she then goes to the range for the final stage of training. At this point, he or she is required to fire two qualifying scores. Out of a possible score of 300, the individual must have a minimum of 250. Everyone must requalify and recertify 2 times a year. These requirements are the same as those of a regular Deputy.

(3) The next phase is training for those who wish to be Duty Officers. A Duty Officer is in charge of each shift on patrol. Here again it is imperative that those selected take this training to be qualified. The person must have leadership qualities and be able to make prudent decisions.

(4) Special Training is provided from time to time which is not a requirement, but is presented when available. This may include new ideas, new equipment, and new information or specialized training in a new area not required in the Posse. We encourage all advanced trained Possemen to take advantage of this training.

The training program is vital in the successful operation of the Posse and must be a continuing program.

DUTIES

The duties of the Posse cover a large range of activities and they are all extremely important in helping to make Sun City a safe retirement community. They include:

A. Patrolling and Foot Patrol
B. Vacation Watch
C. Search and Rescue
D. Traffic Control
E. Crime Prevention
  (1) Through Visibility
  (2) Education
  (3) Neighborhood Watch
  (4) Home Security Checks
  (5) Operation Identification
  (6) Project Awareness

Patrolling is probably at the top of the list in crime prevention. The visibility of patrol cars in the shopping centers and residential areas is a definite deterrent to crime.

In 1984 the Posse patrolled in excess of 184,000 miles and at this point (October 1985) the records show that 1985 will exceed 1984.

During the Christmas Holidays, we provide foot patrols in the Sun City Shopping Centers. These patrols, again, are a deterrent to purse snatchers and shoplifters because of their visibility.

Quite often some of the elderly women become careless with their purses and they bcome a target for purse snatchers. Since we introduced this program, we have not had one incident during the partols.

This is not to say that this program will completely eliminate this type of crime, but we feel it is a definite deterrent.

VACATION WATCH PROGRAM

During the summer months, about one-third of the population of Sun City leaves for cooler climates. In the majority of these cases, the resident requests the Posse to check their home while they are away. This procedure includes checking all windows and doors and the exterior of the residence to insure that the home has not been disturbed. We do not enter the home, but the vacation watch card, which was prepared by the owner, will indicate the person who is to be notified if a problem occurs.

This is a large program and entails many man hours during the summer months. From May 1985 through September 1985, the Posse made 14,047 house checks. These checks were made during our morning shift, but these areas are also patrolled during the other shifts. The Vacation Watches are just one area of our overall Crime Prevention Program.

SEARCH AND RESCUE

This area of responsibility really falls into two categories:

(1) Local or Sun City

(2) Outside of Sun City

The first part involves those residents who become lost within our own boundaries. It is not unusual for a person to become disoriented, particularly some elderly persons, and lose their way. There are also those who, because of medical or physical problems, become lost. The largest number that fall into this area are those who have Alsheimer's Disease.

The second area involves those who are lost in the deserts and mountains. We also become involved in this type of Search and Rescue when we are called out by the Sheriff's Department. These incidents are quite rare. We have several Possemen trained for this and they would be the ones to respond if we were called out.

TRAFFIC CONTROL

Traffic Control is a very important area of our operation. All of the members have been trained in traffic control in order to handle the every-day traffic problems, such as accidents and traffic lights out. We also have a traffic division whose function is to provide traffic control for the many special events within our city. With the size of Sun City, which is made up of people from nearly every state, the traffic many times poses a lot of problems.

CRIME PREVENTION

Our entire program is directed toward prevention of crime. Not only does this include patrolling the Vacation Watches, it also includes another area which could possibly be the most important, and that is the education of the citizens. Our education program includes five areas, with each one being very important in the over-all program. Following are the five areas:

(1) *Neighborhood Watch.*

This program is used in many areas of the country and has been proven quite successful. Community involvement is necessary in this program, which is a health sign. A neighborhood which is interested will contact the Posse or the Sheriff, and a representative will make an appointment to explain the over-all program. Basically, the neighbors watch each other's property. Not only do they become better acquainted with each other but they become aware of strangers in their area. If a suspicious person is observed, a call is made to the Sheriff and the situation is checked out.

(2) *Home Security Checks.*

The security of the home is of prime importance and, too often, the resident is not aware of the proper way to accomplish this. We have a trained group that will go to a home, upon request, and make a thorough check of that home, both inside and outside. They then explain to the resident what he or she could do to improve the security of their home.

A detailed list is prepared, for the resident, as to what should be done.

(3) *Operation Identification.*

This area of the program only deals with the commercial part of our commuity. It includes all shopping centers, business offices, medical facilities and doctors' offices. Any problem that occurs in these areas is usually when they are closed. This makes it necessary to locate someone who is responsible for that particular location.

We have established a system whereby each location has posted in a visible area a card containing a code number. This number has been entered in a computer with the information as to whom to call in an emergency. Many times this program has proven to be very valuable.

(4) *Project Awareness.*

This is a new program that was developed and put into operation this year. As mentioned before, the residents of Sun City are from all areas of the United States, plus some foreign countries. There is also a large number moving here each year.

We came to the realization that those new residents were not familiar with the area, with problems they might encounter and also what help was available to them. We put together a team made up of four couples, husbands and wives, and after several planning and training meetings, the teams were ready to call on each new resident.

A packet had been prepared which contained several types of informative literature. It includes information on scams, con games, bad checks, and home security, to mention a few. Also the resident is told what services are available and given phone stickers of all emergency numbers. This is only a new program but the response has been encouraging.

(5) *Speaking to Groups.*

We have many requests to speak before different organizations. This also provides another means of communication to many residents. We use this opportunity to present our programs and encourage community involvement in crime prevention. We also encourage questions from the floor because many times an individual needs to clarify false rumors or needs information in specific areas.

FACILITIES

In order to successfully operate such a program as ours, which involves over 200 volunteers, it is necessary to have and maintain the facilities necessary for the program.

Our building, which was completed in 1980, has a floor space of approximately 4500 square feet. This includes office space, supply room, dispatch center, vacation watch room, briefing room, garage, and an assembly area seating 200-plus, which is used for meetings and training. Our rolling stock includes ten 1983 Impala patrol cars, a communication trailer equipped with several types of communication equipment. This can be used as a command post for emergencies, disasters, or search and rescue. We also have a 4-wheel drive truck which is used to pull the communication trailer.

It became necessary this year to establish our own range facilities, which are located on leased ground about 8 miles west of Sun City.

It is also necessary to own and maintain training equipment, such as manikins for CPS and audio visual equipment.

The communications room is set up for dual operation, with two consoles which were donated by the Sheriff's Department. Each patrol is equipped with all necessary radios and we must also maintain 20 portable radio units.

The above are the major items and all must be maintained in top working condition at all times.

FUNDING

We do not receive any County, State, or Federal funds. We operate solely on donations from the citizens of Sun City. Each year, on October 1st, we mail a letter to each resident explaining our needs. The response has always been very good. For each gift received, we give a receipt and a bumper sticker which states: "I Support the Sun City Posse"—and the year's date.

Our budget each year varies depending on the need for major new equipment, such as patrol cars and other major items. Our operating budget is between $70,000.00 and $80,000.00 each year and is covered by the donations alone.

There are also no paid employees in this organization. The Posse members purchase their uniforms and equipment at their own expense. All work is preformed by volunteers with 70,000-plus hours each year.

ACCOMPLISHMENTS

Over the twelve years of operation, we have been very fortunate to have so many dedicated people in our organization and to have the support of the residents of Sun City. Our operation has been copied in many areas of this country and in many foreign countries. We receive requests constantly, asking about the Sun City Posse.

I believe the most important accomplishment is the low crime rate we enjoy in Sun City. Also I feel this has been achieved through the efforts of many in promoting Crime Prevention. Our people can walk the streets at night without fear. In fact, many women will walk late at night without fear.

Our theme is stop crime before it starts.

RELATIONSHIP TO AND WITH THE SHERIFF'S DEPARTMENT

The Posse works very closely with the Sheriff's Department and the Deputies in the department, and especially those in our district with whom we are in contact daily. Not only do we work together in Sun City but, at times, some of our members are called out of the area to assist in special assignments—Search and Rescue missions in the desert, Jail shake-downs, and catastrophe assignments, to name a few.

FEDERAL AND STATE LEGISLATION

I believe the most devastating crimes against the elderly are the Scams and Con Games. Many unsuspecting and trusting elderly people have lost their entire life's savings to these unscrupulous individuals posing as law abiding citizens.

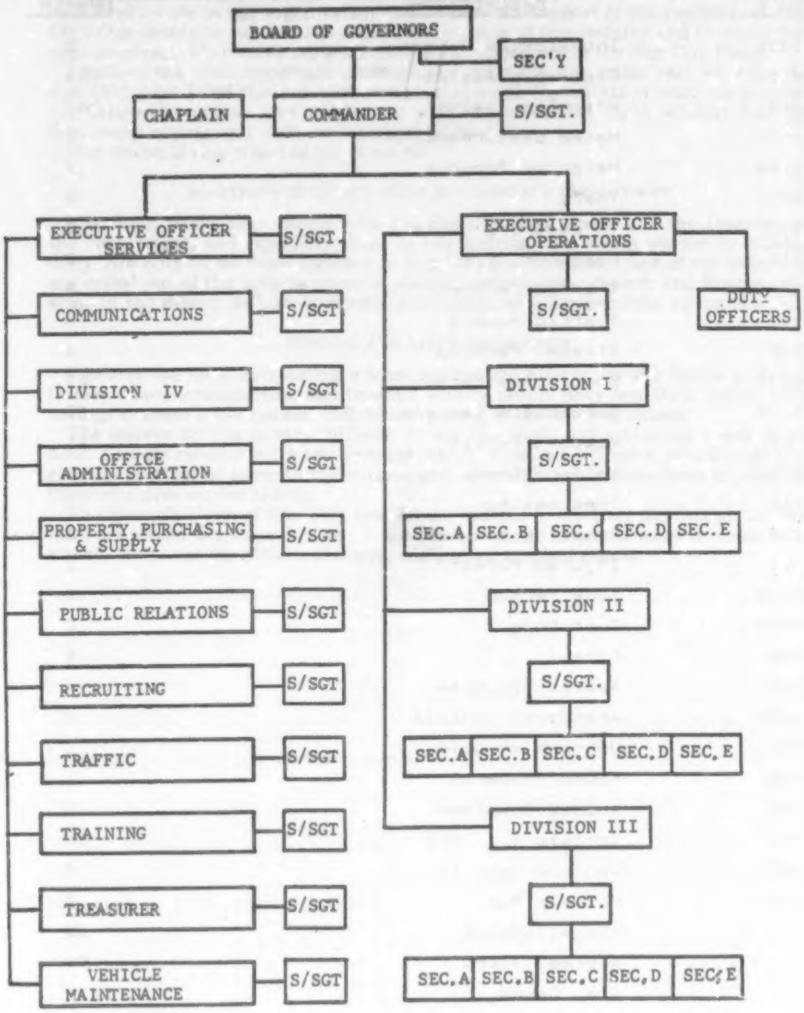
The answer to this is very difficult, to say the least, but something needs to be done. I would recommend a two-pronged attack. First, an extensive educational program in an attempt to reach the citizens and, secondly, pass stricter laws to penalize those who prey on the elderly.

The Sheriff's Posse of Sun City has already started to work on the first phase. We have scheduled seminars in one of the Bank's social rooms to educate those who attend. We stress the pitfalls of scams, con games, and bad checks.

TYPICAL MONTHLY CALLS

CODE	DESCRIPTION	NUMBER
390B	Intoxicated Person	2
411	Citizen's Assist	258
412	Motorist Assist	87
415E	Noise Disturbance	1
415A	Neighbor Trouble	1
487	Theft	2
505	Threatening Calls	2
510	Speeders	2
584	Traffic Control	8
585	Traffic Hazard	6
586	Illegal Parking	1
647A	Suspicious Person	23
647B	Suspicious Vehicle	25
567	Missing Person	11
570	Welfare Check	19
712	Trespassing	2
778	Shooting too close	1
901	Injured Person	1
901B	Sick Person	12
901H	Dead Body	2
904	Fire	5
907	Assist Deputies	4
917A	Abandoned Vehicle	3
927	Unknown trouble	1
928	Found Property	1
930	Animal Problems	5
961	Vehicle Acc. N/I	18
962	Vehicle Acc. (Inj.)	6
963H	Hit and Run	2
	Miscellaneous	39
	Medical Alert	99
	V.W. Cards	1218
	Special House Checks	210
	Open House Doors	13
	Pole Lights Out	3
	Open Garage Doors	54

SHERIFF'S POSSE OF SUN CITY, INC.



Mr. **Roybal**. The Chair recognizes Mrs. Marie Gooderham. Will you please proceed in any manner that you may desire?

Ms. **Gooderham**. Thank you, Mr. Chairman.

STATEMENT OF MARIE E. GOODERHAM

Ms. **Gooderham**. Mr. Chairman and members of the committee, I appreciate this opportunity to testify on behalf of the American Association of Retired Persons, on the issue of crime and the elderly. I am Marie Gooderham, a member of the AARP Board of Directors.

This association, the largest membership organization in the country with over 20 million members over the age of 50, is dedicated to alleviating the problems and addressing the needs of older persons, and to improving the quality of their lives through meaningful opportunities for service.

I have been involved in the development and implementation of numerous programs designed to address the issue of crime and its effect on the elderly who view crime as their primary concern. I would like to comment generally on what AARP studies have uncovered on this issue, briefly describe some of the programs, and present some suggestions for legislative action on this serious problem.

In 1972 AARP instituted its criminal justice services, which has on a continual basis studied the pattern and effect of criminal victimization on older persons, and has developed and implemented programs that encourage older Americans to reduce criminal opportunity and their own risks of becoming victimized. These studies show that although the elderly are not the most heavily victimized by the three most violent crimes, murder, rape, and aggravated assault, they are the favored and hence principal victims of criminal frauds, strong-arm robbery, purse snatching, theft of checks from mailboxes, vandalism, and harassing phone calls.

For this reason, and because crime has a unique and exaggerated effect upon lifestyles and emotional well-being of elderly victims, crime has been cited by the elderly as being one of their major concerns, along with economic security and health issues. Among the urban elderly it is ranked first.

Being old not only increases the chance you will be a victim; it can also magnify the consequences of crime. Pervasive fear is generated and spread to those who may not have been directly involved, and many elderly persons who recognize their vulnerability to crime make drastic, unreasonable, and tragic changes in their life style in order to avoid what they believe are threatening situations, especially in urban areas. They hide behind locked doors and windows, are fearful of going to the market or the bank, or even to the doctor. What for many of them is critical social interaction for their emotional and physical well-being is reduced to a life in fearful isolation.

This is particularly true for elderly women who may quite rightfully perceive themselves as being especially vulnerable. Though raw statistics show that the elderly do not suffer from a greater number of actual crimes than other segments of the population, these elderly remain virtually self-imposed prisoners in their own homes, due to fear.

AARP's Criminal Justice Program focuses on the prevention and analysis of crime and are aimed at law enforcement and other government officials, potential victims, and persons interested in community efforts to reduce crime.

One of our most successful programs, developed in 1976 with funds generously provided by Law Enforcement Assistance Association, is a course of instruction for police officers about how to respond to the special needs of the elderly for protection, and how to utilize other persons in local volunteer programs.

A complementary program trains volunteers to assist police and sheriffs in tactical crime analysis. In related activities the AARP CJS Volunteer Consultants work with police and sheriffs' departments around the Nation to help them set up groups of crime prevention-trained volunteers that perform services such as residential security surveys, crime prevention seminars, property identification, organization of neighborhood watch programs, and telephone lifelines, and certain police services emphasizing tactical crime analysis such as computer data entry, analysis of crime reports, lab reports and evidence, administrative and clerical functions, fingerprint identification, and emergency procedures such as first aid.

Far from fitting the stereotype of older persons as incompetent and infirm, law enforcement agencies have found that they are in many ways ideal volunteers. They are available, skilled, conscientious, influential in their communities, and committed to community betterment.

In addition to these training programs, AARP regularly conducts seminars informing older persons on subjects such as how best to prevent crime and protect themselves, neighborhood watch, personal security, and judicial processes.

AARP works with the legal organizations and government agencies to develop not only these structured programs but to design and conduct the research I have described above. AARP also publishes pamphlets and books on crime—this is one which we circulate widely—and has developed resources of information used by Federal and state legislative officials, local civic leaders, police departments, and other organizations.

AARP legislative activities in this area include following State legislation on crimes against the elderly, monitoring the implementation of State and Federal criminal laws, and commenting on Federal and State legislation when appropriate.

It is in this vein that I would like to urge Congress to support and assist the work of organizations such as AARP in helping volunteers identify, prevent, and protect the elderly from crime and its consequences.

Specifically, the Federal Government should encourage with financial and technical assistance State and local agencies to compile detailed and uniform crime statistics, including information on victim age so as to better identify those crimes to which the elderly are disproportionately subjected. Increased Government sponsorship and funding of crime prevention programs are needed to increase citizen interest and participation in community efforts to reduce crime.

Additional public information and media programs are needed to educate persons, especially older persons, about simple crime prevention. Demonstration programs that highlight how economic crimes such as criminal fraud are perpetrated, are crucially important.

A bill recently introduced by Congressman Rinaldo and Chairman Roybal would, through a new office to be established in the U.S. Department of Justice, provide for many of these programs and services and for the compilation and dissemination of crime statistics necessary to combat the epidemic of crime against the elderly and its consequences.

We applaud Chairman Roybal and Congressman Rinaldo and the cosponsors for their introduction of that bill, the Elderly Crime Prevention and Victim Assistance Act of 1985, and will work for its passage in Congress.

AARP also urges Congress to take steps to strictly control the availability of handguns, which are the most frequent weapon used in the commission of violent crimes. Both a review of the Federal Criminal Code and an examination of victims' rights proposals may also be appropriate.

AARP programs highlight the fact that there are many low-cost crime prevention techniques that make a difference in the communities in which they are implemented.

I am grateful for this committee's interest in this issue, and offer the resources and assistance of AARP in helping you combat the terrible problem of crime against the elderly.

Mr. Roybal. Thank you, Ms. Gooderham. The Chair now recognizes Judge Daffron.

STATEMENT OF HON. JOHN DAFFRON

Judge Daffron. Thank you, Mr. Chairman, and members of the committee.

Like previous speakers, sir, may I submit my formal remarks and very briefly attempt to summarize the points?

Mr. Roybal. Thank you very much. Your written statement will appear in the record.

Judge Daffron. Thank you. As you have heard, and as you know, there was convened a National Conference of the Judiciary on the Rights of Victims of Crime. This conference was convened at the University of Nevada in the fall of 1983. It would not have occurred without the assistance and funding of the Justice Department, and particularly the contributions of James K. "Chip" Stewart and most especially those of Mrs. Herrington, who gave direction, planning assistance, and made the keynote address.

The judges came together to decide collectively what were the legitimate rights and interests of victims of crime and what responsibility, if any, did judges have in establishing these rights?

Mr. Chairman, with your permission may I summarize one or two practices and file for the record at the conclusion of the proceedings, the statement of recommended practices?

Mr. Roybal. All right. Without objection it will be ordered.

Judge Daffron. The judges asserted first that their goal was not to reduce the rights guaranteed defendants by law and the Constitution, but rather to assure the rights of victims and witnesses.

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The recommendations covered four specific areas: Fair treatment; providing victim participation in all stages of the judicial proceedings; protection of victims and witnesses from harassment, intimidation, and harm; and— somewhat novel—encouraging judges to participate in training programs, so that judges might understand and address the needs of victims and witnesses.

The first sentence in the recommendation set the tone: "Judges should play a leadership role in insuring that victims and witnesses are treated with courtesy, respect, and fairness."

Specific recommendations followed, and I will extract two or three. Within fair treatment, victims should obtain information and be provided information about court procedures, facilities, victims' compensation funds, and notice about the status of their cases.

Victims should be informed by prosecutors of the disposition in the cases. How many victims call, or wonder, what happened to the burglar who came into my home?

The judges also encouraged separate ready rooms so that prosecution witnesses, so that victims did not have to be intimidated, waiting for trial, by the presence in the same room of the defendant. On-call systems would minimize unnecessary or unduly delayed stays at the courthouse awaiting the opportunity to testify.

In the area of participation we recommend that witnesses and victims give testimony at all stages of the proceedings. Judges should know the victim's viewpoint in scheduling court proceedings, in allowing continuances, in considering plea and sentence negotiations, and last but not least, victims' impact statements should be considered at sentencing.

To protect victims and witnesses from harassment, threats and intimidation, and harm, judges could require bail conditioned upon the defendant's having no access to the victim or prosecution witnesses.

Further, we recommend that judges expedite the trials of cases involving sensitive victims and the elderly. These and other practices, if implemented, I submit will improve the judicial response to all victims. They reflect what I call common sense and courtesy, and I urge them upon my fellow judges and the other components of the criminal justice system.

A brief word, if I may, about special laws. The elderly are entitled to particular concern from the courts. Those convicted of crimes against the elderly should be justly punished. This is best achieved, in my judgment, not by special laws applicable only to elderly victims but by encouraging or requiring judges to be more open and accountable to the public in their sentencing practices. This can be done rather easily by requiring judges to consider certain factors at the time of sentencing and to give reasons for the sentence imposed. The victim's age and vulnerability should be considered in every case, but the weight given these factors should be within the judge's discretion.

A word about restitution. Perhaps everyone agrees that Government has a duty to protect its citizen, to see that criminals are caught, lawfully convicted, and justly punished. I suggest there is a further duty to require the defendants to make reparation for the damages they cause. Reparation is broader than restitution and, in short, it is an attempt to make the victim whole.

Our recommended judicial practices called for restitution in all criminal cases. Probably few defendants can make full restitution, if any at all. But even partial restitution enforces in the defendant his responsibility for the wrong he has committed, and further, requiring restitution reminds the victim that the system, that is, his Government, is aware of his losses and is attempting to mitigate them.

Lastly, I applaud the Congress and the Legislature of my own State of Virginia for providing funds to assist victims in many ways, including at least partial compensation for losses caused by criminals.

And if I may, sir, one other point: fixed versus indeterminate sentencing.

The public is greatly concerned with the disparity in both sentencing and time served in prison. One disparity that is most disturbing, however, is the difference between the length of sentence imposed and the time actually served. Many States have parole eligibility that occurs after a fourth of the sentence is served. They have additional good-time early release requirements. The net effect is that frequently defendants may become eligible for parole and are in fact released after serving only about one-sixth of the time imposed. Thus, a burglar sentenced to 10 years' confinement may be on the street in 18 months.

The message communicated to the public is that sentences imposed by the courts are largely meaningless; and even worse, that the test of danger to the community is whether or not there is a bed available in the prison.

In response, I urge the abolition of parole and the institution of flat or real-time sentencing.

Thank you for your concerns for attention and assistance to elderly crime victims.

[The prepared statement of the Hon. John Daffron follows:]

PREPARED STATEMENT OF HON. JOHN DAFFRON

Mr. Chairman, members of the Select Committee on Aging, ladies and gentlemen. I appreciate the opportunity to appear before you today as the committee examines the important issues surrounding crime and our elderly citizens.

We are all aware of the many pressing issues with which we as citizens—and our local, State and Federal governments—must be concerned. I believe that crime, and our response to it and its victims, happens to be one of the most important of those concerns.

As a society we seem to accept criminal behavior in our daily lives. We seem to feel some collective responsibility for the criminal acts of others. Perhaps we did not share our successes, our material things, with those less fortunate. We are told that if we provided more assistance, educational opportunities, and entitlements to those less fortunate, they would not steal our property or harm us in the commission of robberies and burglaries. We need to re-examine this notion. We have accommodated ourselves to the criminal and, except in the heinious and notorious crimes, upon conviction, we are becoming conditioned to determining the needs of and providing assistance to the offender. While rehabilitation of the defendant is a proper goal of sentencing, I believe concern for the victim is more justly compelling.

It is axiomatic that a fundamental responsibility of government is to protect its citizens and their property, to see that criminals are caught, lawfully convicted, and justly punished. I suggest that government has an additional responsibility to see that victims of crime are not victims of the criminal justice system and further, that defendants should make reparation for the damages they cause in order to help mend the social fabric they have torn.

Reparation means more than simply helping victims recoup financial or material losses. In my view, reparation is broader than restitution. Its fundamental goal is to do justice by attempting to make the victim whole. A concern for reparation should underlie all of our efforts to improve the system's response to victims, and certainly should be one of the goals of judges in making sentencing decisions.

I speak to you as an advocate of reparation, or making our criminal justice system more sensitive and responsive to the needs of those who become involved in the process through no fault of their own: crime victims and witnesses. We need their cooperation and assistance if the system is to produce just results. To these involuntary participants we owe special attention and consideration.

My concern, then, is that the various elements of the criminal justice system—and particularly the judiciary—be aware of the plight of crime victims and act to address their needs. Within this context, I believe that the particular needs of the elderly can and should be dealt with as part of our g;eneral efforts to make the system more fair and responsive to victims.

As you know, I chaired the program committee for the national conference of the judiciary on the rights of victims of crime. Our "statement of recommended judicial practices" encompasses those steps that the judiciary should take to fully address the needs of victims, including elderly victims.

The national conference was held in late 1983. One hundred and two judges from all areas of the country assembled at the national judicial college in Reno, Nevada to discuss issues related to the treatment of crime victims by our criminal justice system. By their attendance at this conference, judges agreed to become change agents in their respective states and to provide leadership for adopting policies and practices to provide improved treatment to crime victims and witnesses. After three and a half days of lectures, presentations and discussions, the judges unanimously voted to adopt the statement of recommended judicial practices.

We felt that the judiciary should assume a leadership role in the process of urging fair treatment for victims of crime. Often victims suffer a "second injury" at the hands of the criminal justice system. We have sought to diminish this as much as possible by providing guidance for improved treatment. It is important to note that we do not seek to diminish the rights of the accused but rather that we recognize the need to also protect and assist the victimized.

These recommendations cover four major areas: providing fair treatment of victims and witnesses; allowing victims to participate in judicial procedures and, where appropriate, give input; protecting victims and witnesses from harassment, intimidation and harm; and encouraging judges to participate in training programs dealing with improving the treatment of crime victims and witnesses.

Fair treatment of victims and witnesses includes such areas as providing information about court procedures, facilities, victims' compensation funds and notice of the status of their case. Fair treatment also means that we encourage separate waiting rooms for defense and prosecution witnesses, special transportation to and from the courthouse when necessary, and crisis intervention and counseling, if appropriate.

Victim participation can include input about the scheduling of court proceedings, plea and sentence negotiations and the propriety of and condition under which an offender might receive a punishment other than incarceration.

To provide protection to victims and witnesses, judges can require that bail be conditioned on the defendants having no access to victims or prosecution witnesses; providing separate waiting rooms; and encouraging legislation or rules which would require parole boards to advise the judge, the prosecutor, the public and the victim, where appropriate, prior to any hearing on the release of an offender of a serious crime.

These and the other practices we have recommended can, if carefully planned and implemented, substantially improve our response to all victims, including those who are elderly. They reflect what I call "common sense and courtesy" and I urge my brethren in the judiciary, and all other components of the justice system, to support them.

Many of the practices and services we advocate can be provided by victim/witness assistance programs operated by courts, prosecutors or law enforcement agencies. In virginia, we have 12 full time programs operating at present; and we expect to double that by the end of the year. They are supported by a combination of local, state and federal funds, and I believe it is money well spent.

Another area in which the concerns of crime victims deserves consideration is sentencing. Disparity in both sentencing and time served in prison serves to erode the public's faith in our justice system. When offenders with similar backgrounds commit similar crimes and yet receive markedly different sentences, the message communicated to our victimized populace is that the punishment may have more to do with the identity of the judge than the circumstances of the offense. Furthermore, when an offender is sentenced to a 10 year prison term and is out on the streets 18 months later. The message communicated is that a judge's imposed sentence is largely meaningless. I believe that the remedy for this problem is to abolish parole. In this way, when an offender receives a 10 year prison term. He and his victim understand that he will actually serve 10 years.

The judiciary must take the necessary steps to insure more uniformity and certainty in sentences. Uniformity, however, should not be obtained via "fixed" sentencing schemes that legislatively dictate mandatory sentences for specific types of crimes. Such schemes strip away all judical discretion and do not allow for the consideration of unique case circumstances. Justice is best served if judicial discretion is retained but structured in a more consistent and logical fashion. The approach being taken on the federal level through sentencing guidelines seems to be a sensible and appropriate response to this problem. Sentencing guidelines provide a judge with statistical information on historical sentence ranges imposed upon similar offenders convicted of similar crimes and allow departure from the recommended range for aggravating or mitigating case circumstances.

I am aware that many States have responded to increasing crimes against the elderly by adopting enhanced mandatory sentence provisions requiring harsher penalties for crimes committeed against the elderly. I do not support this approach. I am greatly concerned that enhanced mandatory punishment for crimes against the elderly may be unconstitutional and violate the equal protection clause. Further, similar mandatory sentence laws across the nation frequently produce the opposite of the intended result. Juries not infrequently acquit defendants because they perceive the minimum penalty to be too severe for the particular defendant. Prosecutors plea bargain for lesser charges and milder sentences to avoid the possibility of acquittal. Thus, it is often the case that imposing harsher penalties results in an effect opposite to that which was intended: more lenient sentences being imposed on offenders charged with these crimes.

I believe that the elderly constitute a specific group requiring the particular attention and protection of the law. Significant numbers of them are less able or unable to defend themselves or protect their property. They need special assistance and protection. An assault or theft that might have minor consequences to a healthy, fully employed thirty year old may be devastating to an elderly victim on limited and probably insufficient retirement income. I submit that the proper concerns of the elderly are met not by special laws applicable only to elderly victims, but by the articulation of sentencing goals and philosophies which require consideration of the age and condition of the victims.

A victim's age and special vulnerability are factors that certainly should be considered in every case, but the consideration should occur on a case by case basis and the weight these and other factors are given should be left up to the discretion of the judge. This cannot be done when specific penalities are automatically triggered by the advanced age of the victim.

Similarly, I believe it is more productive of just results to provide courtesy and protection to all victims and witnesses than to single out the elderly and perhaps other groups in need of protection. All victims and witnesses should receive courteous and sensitive treatment. However, the level of protection should be determined by the facts of the case; these surely include the age and condition of the victims and witnesses.

Our whole thrust at the national conference, and my view personally, is that the system can be and is being sensitive to the needs of elderly victims and witnesses.

If police, prosecutors and the courts are aware of and sensitive to the concerns and problems of elderly victims, the needs of those victims will be met. Victim impact statements, made available at sentencing, are one valuable way to help judges be aware of those concerns and problems.

Another important tool we have available to meet those needs, one which I hope will receive increasing emphasis, is the practice of requiring offenders to make restitution to their victims.

While it is not likely that any amount of restitution can erase the trauma or alleviate the fear that plague many people as a result of being victimized, the use of restitution can at least begin to reimburse victims for the financial losses they have suffered. And restitution also can serve as a reminder to victims that the system is aware of their losses and is attempting to mitigate them.

It is a reminder which is likely to have greater impact on victims if they perceive it as part of the system's general sensitivity to their needs and efforts at reparation.

That sensitivity, as we have indicated in the statement of recommended practices, can be expressed in a variety of ways related to the scheduling and conduct of criminal cases, the handling of evidence and the treatment of those who must testify.

Beyond the judicial process itself, it can be expressed by making available the services of people who are trained to help victims recover from their victimization.

We as judges must play an important role in seeing that the system as a whole achieves that responsiveness. But we have a special obligation when it comes to our decision-making at the time of sentencing to see that preparation for victims—making them whole again—is one of our goals.

There have been several initiatives on the Federal and State levels to improve services to crime victims and thus translate the concept of preparation into specific policies and actions. As you know, Congress passed the Omnibus Victim and Witness Protection Act for Federal courts in 1982. They passed the Victims of Crime Act which provides for funding of victims' programs and assistance to States in compensating victims of crime. Other Federal actions incude the President's task force on victims of crime which made its report to the President in January 1983.

An increasing number of State legislatures have found it appropriate to enact legislation to assist victims of the witnesses to crime. The Virginia General Assembly, in the past few years, has enacted legislation expanding the use of restitution, authorizing the use of the victim impact statement, amending our victims compensation program and providing funding for victim-witness programs. In addition, the 1984 General Assembly passed House Joint Resolution 105, calling for the fair treatment of crime victims and witnesses. This resolution encourages police, prosecutors and courts to provide ". . . dignified, respectful, courteous, and sensitive treatment to victims of crime and witnesses for both the commonwealth and the defense . . ." It enumerates eight service objectives including: protection from harm and threats; referral to social and financial services; employer intercession; prompt return of property; prompt notification of judicial proceedings; and restitution.

These objectives are consistent with the recommended judicial practices and are the types of actions we can take to improve our responses to the needs of all victims.

I will close by noting that we are in the position now of building upon accomplishments which have been achieved to date. The ideas and practices I have touched on today are not new. They have been advocated and used for some time.

What is new is the increased awareness of the importance of paying attention to the needs of crime victims and witnesses, and the momentum behind taking steps to meet those needs.

If recent legislation and other activities are any indication, we have gotten the attention of many of the key people whose support and commitment we need.

My hope is that this will enable us to continue and expand our efforts to make the criminal justice system fully responsive to all victims.

[Additional material submitted for the record by Judge Daffron follows:]

National Conference of the Judiciary on the Rights of Victims of Crime—Statement of Recommended Judicial Practices

PREFACE

Many people feel insufficient attention has been given to the role of victims and witnesses in the American system of criminal justice. This is traceable in part to our heritage in the common law with its sharp division between civil and criminal actions. In legal theory, crime was a breach of the King's peace with the King (the State), not the harmed individual, as the victim and proper party to bring prosecution. This theory, combined with federal and state constitutional principles concerned with protecting an accused from an overreaching government, has caused the perception by some that criminals are protected with many procedural safeguards and rights while victims and witnesses are only necessary providers of evidence who must make themselves available whenever required by the system. The perception that our system of criminal justice has been callously indifferent to the financial and psychological interests of victims of and witnesses to crime has resulted in social action and legislation which insist that victims and witnesses be given the fair and considerate treatment that is their right.

In the fall of 1982 the Judicial Administration Division of the American Bar Association provided a "seed money" grant to the National Conference of Special Court Judges, Judge Ernest S. Hayeck, Chairman. The National Judicial College was requested to design and plan for a national conference of state judges to examine victims' rights issues and to suggest guidelines with respect to them. In view of the recommendations for the judiciary made in the report of the "President's Task Force on Victims of Crime" published in December 1982, the need for such a conference became ever more apparent. In April 1983, initial planning began to take shape, and in August the National Institute of Justice, Department of Justice, provided a substantial grant to fund the conference and the travel and lodging of two judges from each state, the District of Columbia and the Commonwealth of Puerto Rico.

The National Conference of the Judiciary on the Rights of Victims of Crime met at The National Judicial College November 29 to December 2, 1983, with messages from President Ronald Reagan and Chief Justice Warren E. Burger urging careful consideration of the best ways to protect the rights of innocent victims. The conference adopted the attached Statement of Recommended Judicial Practices concerning these rights.

The Victims' Rights Project of The National Judicial College was supervised by Judge V. Robert Payant, Associate Dean, assisted by Felix F. Stumpf, Academic Director of The National Judicial College. Research and writing was done by John E. Roberts Jr., Colonel U.S.A.F. (Ret.), a retired military judge and H. Arthur Rosenthal, Project Attorney, with special credit to Catherine Milton and Susan W. Hillenbrand, consultants.

STATEMENT OF RECOMMENDED JUDICIAL PRACTICES

INTRODUCTION

Victims of crime often receive serious physical, psychological and financial injuries as a result of their victimization. Victims of and witnesses to crime frequently must take time off from work and make other personal sacrifices, possibly subjecting themselves to risk of intimidation and injury, in the performance of their civic duty. The criminal justice system depends on the willing cooperation of victims and witnesses in order to perform its primary function of protecting all citizens in this country.

We, as trial judges from the United States, the District of Columbia and the Commonwealth of Puerto Rico, have concluded that a number of steps can be taken to help victims of crime and strengthen the protection from harm for all persons in our society. Because the criminal justice system is composed of separate independent agencies, including the police, prosecutors, practicing defense bar, courts and parole boards, all must work together to accomplish this goal. Moreover, some of our recommendations would require new legislation. We have concluded that it is our responsibility as trial judges not only to make improvements within the judicial system, but to take the initiative in coordinating the various elements of the criminal justice system and take the leadership role that is consistent with the doctrine of separation of powers.

We are confident that our recommendations will greatly help victims of and witnesses to crime by improving the necessary information and services provided, afford them additional protection from harm, and create increased respect for the judicial process by improving their participation in the criminal justice system.

We believe that all of this can be accomplished without impairing the constitutional and statutory safeguards appropriately afforded all persons charged with crime. Our goal is not to reduce the rights guaranteed defendants but rather to assure the rights of victims and witnesses.

I. FAIR TREATMENT OF VICTIMS AND WITNESSES JUDGES SHOULD PLAY A LEADERSHIP ROLE IN ENSURING THAT VICTIMS AND WITNESSES ARE TREATED WITH COURTESY, RESPECT, AND FAIRNESS.

A. Information about court procedures and facilities.—All victims and witnesses in criminal cases should be provided essential information about court procedures and courthouse facilities. Judges should encourage the following practices:

1. That victims and witnesses be provided with information regarding the rights and privileges available to victims and witnesses, and about the physical layout of the courthouse, parking areas, public transportation routes, witness fees, state compensation funds, and other available financial assistance;
2. That court administrators establish reception areas and provide victims and witnesses information about public and community services;
3. That prosecutors explain to victims the criminal justice system insofar as it relates to the victims' cases and what is expected of the victims in the prosecution of the cases.

B. Notice to victims and witnesses.—Victims and witnesses should be fully informed about the criminal justice proceedings in their cases. Judges should encourage:

1. That the victims should be able to obtain from appropriate court personnel information concerning the status of their cases;
2. That, if requested, prosecutors inform victims of serious crimes that they may obtain, if possible, timely notice of all bail, pre-trial, trial and post-trial hearings, if the victims provide a current address or telephone number;
3. That if requested, appropriate officials, if possible, give timely notice to victims of serious crimes about the release of the defendant from custody, pre-trial and post-trial, if they provide a current address and phone number;
4. That victims be informed by prosecutors of the disposition of their cases.

C. Special services.—Judges should recognize that victims and witnesses may require special services and support, both material and psychological. Judges should encourage the following practices:

1. Separate waiting areas for defense and prosecution witnesses;
2. Interpreter and translator services for victims and witnesses while they are in the courthouse;
3. An "on call" system to minimize unnecessary trips to court;
4. The expeditious return of evidence;
5. The availability of special transportation and protection to and from the courthouse when witnesses' safety is a consideration;
6. Informing the public generally of the importance of supporting the witnesses' participation in court proceedings and encouraging the adoption of legislation to accord witnesses the same protection from adverse actions by employers as are customarily given jurors and members of the National Guard;
7. Child care services for witnesses;
8. Crisis intervention, counseling and other support services for victims;
9. Ensuring the victim is not charged for rape examinations or other costs of collecting and preserving evidence;
10. Establishing fair and appropriate witness fees.

D. Restitution.—Judges should order restitution in all cases unless there is an articulated reason for not doing so, whether the offender is incarcerated or placed on probation.

II. VICTIM PARTICIPATION

Victims shall be allowed to participate and, where appropriate, to give input through the prosecutor or to testify in all stages of judicial proceedings.

A. Participation may include but is not limited to the following:

1. Pre-trial release or bail hearings;
2. The proprietary and conditions of diversion;
3. The scheduling of court proceedings;
4. Continuances or delays; judges should state on the record the reason for granting a continuance;
5. Plea and sentence negotiations;
6. Sentencing;
7. Victim/offender mediation in non-violent cases, when appropriate.

B. To assist victim participation:

1. A victim's advisor should be permitted to remain in the courtroom with the victim, but not participate in the judicial proceedings;
2. Victim impact statements prior to sentencing should be encouraged and considered;
3. The victim or the victim's family should be allowed to remain in the courtroom when permitted by law and when it will not interfere with the right of the defendant to a fair trial.

III. PROTECTION

Judges should use their judicial authority to protect victims and witnesses from harassment, threats, intimidation, and harm.

A. This should include:

1. Encouraging that separate waiting rooms be provided for defense and prosecution witnesses;
2. Requiring that bail be conditioned on the defendants having no access to victims or prosecution witnesses;
3. On showing of good cause, limiting access to the addresses of victims with witnesses;

4. Encouraging that victims and witnesses be advised that if they agree to be interviewed prior to trial by opposing counsel or investigators, they may insist that the interviews be conducted at neutral locations;

5. Encouraging legislation or rules which would require parole boards to advise the judge, the prosecutor, the public, and the victim where appropriate, prior to any hearing on the release of an offender convicted of a serious crime.

B. Judges in protecting sensitive victims (minors, victims of sexual abuse, families of homicide victims, the elderly, and the handicapped) may consider the following:

1. Expediting trials of cases involving sensitive victims;
2. Encouraging specially designed or equipped courtrooms to protect sensitive victims, provided that the right of confrontation is not abridged;
3. Permitting the use of videotaped depositions in cases involving sensitive victims, provided that the right of confrontation is not abridged.
4. Allowing sensitive victims to have an individual of their choice accompany them in closed juvenile proceedings, closed criminal proceedings, and in camera proceedings.

IV. JUDICIAL EDUCATION

Judges at the trial and appellate levels should be encouraged to participate in training programs dealing with the needs, comforts and legal interests of crime victims.

State, regional and national programs and conferences for judges and non-judges should be held on methods to improve the treatment of victims and witnesses and to develop solutions to the problems suggested.

V. ALL THESE RECOMMENDED JUDICIAL PRACTICES ARE SUBJECT TO EXISTING RULES OF COURT, STATUTES AND CONSTITUTIONAL PROVISIONS

Conclusion

Judges have a role in improving the treatment of victims and witnesses by reason of their position in the American Judicial system and their positions in their communities.

Judges believe that fair treatment of victims and witnesses can, consistent with constitutional limitations, be brought about by changes in the law, rules of procedure and legislation. Judges believe that they can influence the actions of others, including officers of the court and public officials, in the treatment of witnesses and victims. Judges also can encourage community support for change in the treatment of witnesses and victims. By their attitude and the attitudes of their staff, judges can set examples in the treatment of witnesses and victims.

We urge that our fellow judges exercise their leadership role in improving the treatment of victims and witnesses. Victims of crime should not be victims of the criminal justice system.

[Adopted at the Plenary Session of the National Conference of the Judiciary on the Rights of Victims of Crime at The National Judicial College, Reno, Nevada, December 2, 1983.]

Mr. Roybal. Thank you, Judge. I would like to start out the questioning, first of all, by addressing my question to Mrs. Herrington.

I think that the testimony that has been presented by the four witnesses covers a broad area of the problem. Now, one of the things that caught my interest immediately was the statement that you made, Mrs. Herrington, where you said that the elderly victim often is one of the most poorly treated clients of the criminal justice system. Then you went on to say that the victims of crimes are victimized twice, first by the criminal and then again by the criminal justice system. How can we correct that fault?

Mrs. Herrington. Well, Mr. Chairman, one of our activities is sensitizing the law enforcement community, the prosecutors and the judges to the special needs of elderly victims. We found cases throughout the United States, because the victim was hard of hearing, their case was not brought to trial. The law enforcement may have thought, "Why bother? This witness won't be good." Or the prosecutor thought the trial won't be successful so he can plea-bargain the case. On the contrary, we can accommodate that type of handicap in the courtroom, and the witness can prove to be very effective.

The elderly sometime simply need special attention and special concern.

Mr. **Roybal**. Thank you. Judge Daffron, you seem to have agreed with Mrs. Herrington in your written testimony because you said that "often victims suffer a second injury at the hands of the criminal justice system."

Can you tell the committee what you think should be done about that particular problem?

Judge **Daffron**. Without being either cryptic or flippant, yes, sir, the adoption of the recommended judicial practices. The second sins, if you will, against victims and witnesses occur because of lack of knowledge and discourtesy. The victim or the witness who is summoned to appear on a given day and has his life disrupted and plans changed, only to find that a week ago the case had been continued but no one told him. The matter I allude to briefly is the concerned victim in an exaggerated, horrible case, the parent or spouse of a homicide victim, who doesn't learn for years what happened to the particular defendant. It is the little "common senses" and courteous actions in day-to-day activities, I believe, that will prevent what Mrs. Herrington, first, and I allude to as the second victimization.

Mr. **Roybal**. Now, Judge, you said that one thing you recommended was the adoption of the judicial practices.

Judge **Daffron**. Yes, sir.

Mr. **Roybal**. Who adopts the judicial practices? Is it not the judges that adopt them?

Judge **Daffron**. I suggest that, as has been done, that each State adopt something they might call recommended judicial practices, fair treatments of victims and witnesses, victims' bills of rights, that set forth and articulate as policy of that State what should be done, and the rights that victims and witnesses are entitled to. By becoming policy of the State, if you will, judges and others in the criminal justice system, I believe, would be bound to both observe and follow.

Mr. **Roybal**. Now, you showed the committee, I believe, a booklet that may contain some information with regard to the judicial practices. Is that correct?

Judge **Daffron**. Yes, sir.

Mr. **Roybal**. Will you make that available to the committee?

Judge **Daffron**. Yes. I have copies here, and at the conclusion, if I may file it with staff, I'd like to do that.

Mr. **Roybal**. Thank you very much, and we will make that copy part of the record at this point. We would like to follow through to find out what it is that we are talking about when we say, judicial practices, and why is it that, since I believe the judges are fully in control of their courts and the procedures, why this judicial practice has not been adopted in the past. Now, where does the fault lie?

Judge **Daffron**. It lies with judges. It lies with components of the system. I think there has been a concept, starting with the name of the case, "The People v. Smith," "The State v. Smith," and the victim has been simply a witness or a secondary participant to the contest between the State and the accused, and from that perspective I think that the victim has lost prominence and significance in the judicial system. I believe that, while it has not been considered specifically, I think that when courts attempt to lawfully convict defendants and to punish them, they are serving the needs of society and the victim is a part of that society, and perhaps with that back of the hand, if they ever thought about it, courts, jurors, administrators, police, prosecutors felt that the rights of the victims were being addressed and properly met. That is not the case, and there is much activity in the field of victims' rights, and properly so, I might add.

Mr. **Roybal**. This is a very interesting point that I would like to follow, perhaps, if not today because of the lack of time. I would like to submit some questions to you with regard to this subject matter, in writing, and ask that you——

Judge **Daffron**. I would be most pleased to receive them, and I assure you of a prompt response.

Mr. **Roybal**. Thank you, Judge. Now, Mr. Page, Sun City is in Arizona. How close is it to Spring Valley?

Mr. **Page**. Spring Valley? I don't know exactly how close it is, sir.

Mr. **Roybal**. But there is a Spring Valley, is there not, a retirement community in Arizona south of Tucson somewhere?

Mr. **Page**. Well, if it's south of Tucson. It's about 135–140 miles, from Sun City.

Mr. **Roybal**. I understand that they have a similar program. But I was interested in what you said about the trained group that will go to a home and examine that home thoroughly and then make recommendations as to what is needed.

Mr. **Page**. Yes, sir.

Mr. **Roybal**. Now, any repairs that are made in Sun City are made at the expense, are they not, of the owner?

Mr. **Page**. That is correct, sir.

Mr. **Roybal**. Now, the problem that we have had in this committee is that, No. 1, we don't have a trained group going out to the homes of senior citizens throughout the various communities, and even if we had, the senior citizens could not afford those expensive locks, and then afford the labor that goes with it.

Now, we've had recommendations before this committee that the Federal Government set up a system whereby we could use former carpenters, handy men, people that know how to use locks, and employ them to do just that for those people that would need it in any particular community. Have you—what would you think of a program such as that?

Mr. **Page**. I think it's a very good program, sir. In fact, we do have an organization there that does this to a certain extent. It is called Inner Faith Program, and it is sponsored by the churches of the area, and they have many areas of help, such as counseling, taking care of the elderly, home care, and they have a group of retired carpenters that will go around and help individually.

May I say something else along that line, Mr. Chairman? One of the persons was talking a while ago about a tax rebate, maximum of $125. I find that fine, but usually the people that have to pay taxes can afford to put their locks on. It's the people that don't pay taxes that need the assistance, the ones that are on very limited income.

We have several of them. We have people that moved there 20 years ago that were on Social Security at—what?—$200, $220 a month at that time, and today a meager existence is all they have. And we help them wherever we can, we have organizations that do go in and help.

Our program of home security checks is working real fine. We have many, many requests. It's really working.

Mr. ROYBAL. If that person is on a very low-fixed income, he or she can still get the work done by these church groups that you are talking about?

Mr. PAGE. Yes, sir, but we run into another problem, too. We know for a fact that there are several people within Sun City that have a problem as far as finances are concerned, but trying to identify them is very difficult. Most elderly people are very proud. They do not want anybody to know that they have a problem, they don't want anybody to bring groceries into their home, they don't want anything like this to happen. But when we come to find out, then we can find help for them. This is where the Neighborhood Watch Program comes on very well because you get to know your neighbors and can help your neighbors.

Mr. ROYBAL. All right, Miss Gooderham, what is the problem with your organization? Can they, the members of your organization, use a service whereby a trained former locksmith would go into a home and do the necessary work?

Ms. GOODERHAM. Yes, we can, and we do use that kind of service. We're dealing with people, all ages over 50 and every income bracket, and you have explained some of the problems. A lot of the people do not have the money and sometimes they are afraid to even reach out and get in touch with help. But we do try to help them, become more aware of them, and we have programs in all of our chapter areas where we give them that kind of information. And as I said, this book that we circulate helps them to be a little better informed about some of the things they can personally do. But we also have a program department in our national offices in which we have professionally trained people who develop the kinds of programs I mentioned in my presentation.

Mr. ROYBAL. We received testimony before this committee at a previous hearing on this subject matter, where we were told that, yes, they needed this help, but they just couldn't afford it, and that there is no way in which they could get their properties secure because of the high cost and that there was no place where they could go. Now, I am glad to know that there are places that they can be referred to. This committee would like to have a list of such organizations that provide that service, if that service is, in effect, being provided. Mrs. Herrington?

Mrs. HERRINGTON. Mr. Chairman, may I just mention also, as part of the Victims of Crime Act of 1984 there are two areas also that offer emergency funding. No. 1, compensation. Some of the

States offer emergency funding to victims immediately—those who cannot afford bills and who can't wait for the paperwork.

Also, a great many victim assistance programs throughout the Nation have emergency services for those victimized by crime. They have people who they send out immediately—volunteers, carpenters, people who fix the windows. So there is help and hope out there for elderly crime victims in a crisis.

Mr. ROYBAL. Mr. Rinaldo.

Mr. RINALDO. Thank you very much, Mr. Chairman. I want to also thank the witnesses, once again. I want to ask a question of Judge Daffron, to begin with.

I listened to your testimony, when I came in, with great interest. I note that you observe that citizens are demanding more uniformity and certainty in sentencing. Yet you are opposed to legislation which requires mandatory sentences for specific types of crimes and gave various reasons why.

I just want to say, as a preface to my question, that every single year I conduct a poll of the citizens of my district. The district is an urban-rural district that has been considered by some political scientists as somewhat of a microcosm of America. Yet, whenever you ask, what are the three top problems facing you today, somewhere in the top three street crime always appears, violent crime, beatings. And quite frankly, it is obvious to me that in my State, at least, even though we have sentencing guidelines in effect, there are judges who are known, philosophically, because they are soft on criminals. There are other judges who are sterner. I don't see how you can achieve greater uniformity and come to any form of a mean without legislation mandating specific penalties.

Judge DAFFRON. Well, I am the bad critic. That is, I criticize without having the response.

My concern about minimum mandatory sentences is that I think that all too often they achieve the opposite from the intended result. I find that frequently juries in given cases are reluctant to convict because they perceive that well-dressed, well-groomed defendant who has been prepped by defense counsel, should not have that minimum penalty provided by law, and they acquit the defendant.

As a consequence of that, and because mandatory minimum penalties add another element to the crime that is an element that must be proved, for these two reasons, in order to avoid acquittal, prosecutors plea-bargain, and they bargain for lesser sentences and milder punishment.

The third thing that concerns me about this is that by the bargaining for lesser charges, these laws not only diminish the punishment imposed, but it takes away from the sentencing judge the discretion that I believe he should rightly have.

That is why I made the perhaps overly cryptic comment that I believe that you could encourage or require judges to take into account certain factors, and certainly the age and physical condition of the victim, whether the defendant was armed, whether the offense occurred in the nighttime, and all of those things that you are familiar with that are component parts of sentencing guidelines. I believe that is the more efficacious way to address the concern.

Mr. **Rinaldo**. Well, Mrs. Zidonik comes from my county, originally. She was victimized in Springfield, NJ. As a result of her case and a number of other cases, in New Jersey we now have a mandatory prison sentence for anyone convicted of committing a crime with a gun, and in my county, the county in which it occurred, Union County, there is no more plea bargaining. They just stopped it, to do away with the very argument that you presented.

Judge **Daffron**. Well, I think that is excellent.

Mr. **Rinaldo**. And I would hope that we do more of this at the State level and at the national level. How do you feel about that, Mrs. Herrington?

Ms. **Herrington**. Well, we made a lot of recommendations on the victim's task force and also on the family violence task force, and as you know the Department of Justice in the Comprehensive Crime Act established determinant sentencing in the Federal Justice System.

But you can consider exacerbating and mitigating circumstances. I am not underestimating what Judge Daffron said. If I thought all the judges in the United States were as conscientious as Judge Daffron, I would not be quite so concerned about sentences. But I have to agree with you, Congressman. I think that limiting judicial discretion or establishing determinant sentencing is our best course or action.

Mr. **Rinaldo**. Yes, I think it is obvious. I am a proponent of mandatory prison sentencing. I think that is the only answer at this point in time, where we have such an escalation in street crime, and breaking and entering, and violence against senior citizens.

Mrs. Herrington, I have found that many senior citizens, possibly as a result of some of these things and for various other reasons, are extremely cynical about the criminal justice system. They believe that criminals are given more rights. They believe that criminals are not being taken off the streets. They are concerned about crime, drug dealing crimes, they are concerned about crimes where teenagers get on bicycles and knock an elderly citizen to the ground, grab the purse, and get away with it. They are concerned about criminals being given more rights and freedom than the victims.

Why is this perception so widespread? Is it a valid perception, and what can be done to correct it, if it is valid?

Ms. **Herrington**. Well, I think it is certainly a valid perception of our elderly victims. I think it is a valid perception of all victims of crime. During the Task Force on Victims of Crime, almost every victim who testified before us said, "I will never report crime again. I will cut my losses and not get involved. It is simply not worth it when we are treated so poorly in the system."

I think our elderly crime victims have been treated even more poorly.

We must balance our system. We need not take a single right away from the criminal defendant. Think of it in terms of a scale which needs balancing; for years the criminals had all the rights, while the victims had little or none.

As the judge and I said earlier, we have only thought of crime as the state against the criminal; if involved at all, the victim is only evidence.

Now, what we are trying to do in our new Office of Victims of Crime, Congressman, is balance that scale; to give more concern for the victims so that they will participate. Because if they do not cooperate and report crime, we cannot hold a criminal accountable. And that criminal is free to victimize again and again, which they are doing with impunity.

So our Victims of Crime Office is working to balance our criminal justice system and treat the innocent victim with more respect and compassion.

Mr. **Rinaldo**. I am glad to hear that. I certainly want to compliment you on that. I want to thank Mrs. Gooderham for endorsing the legislation—the AARP—that Chairman Roybal and myself have introduced. And I thank the other two witnesses. It has been very, very enlightening and I hope that we can some day approach the stage where our streets and our homes are safe again and people can walk without fear, and we stop the virtual locking up of people in their own homes, where they become virtual prisoners and lose the freedom that we all cherish so much in this country. Thank you very much. I have no further questions, Mr. Chairman.

Mr. **Roybal**. May I also thank each one of the witnesses for your testimony. It has been most excellent, and most helpful to the committee. Thank you very much.

Mr. **Rinaldo**. Mr. Chairman, before we close, I would like to request unanimous consent that the record remain open for an additional 30 days for any questions members of the committee may have, or additional materials that will be submitted.

Mr. **Roybal**. Without objection, that will be the order. The meeting is now adjourned.

[Whereupon, at 12:05 p.m., the hearing was adjourned.]

APPENDIX 1

MEMORANDUM

TO: Members, Select Committee on Aging
FROM: Professional Staff, Select Committee on Aging
RE: Crime Against the Elderly Hearing, October 22, 1985
DATE: October 18, 1985

Violent Crime Against the Elderly is the focus of the full Committee hearing in Washington, D.C., on Tuesday, October 22, 1985. The hearing will be held at 345 Cannon Building at 10:00 a.m.

1. HEARING SUMMARY

Serious crime—murder, rape, arson, assault, robbery, burglary—affects one out of ten households in this country each year. One out of four of the Nation's households experienced serious crime, auto theft, household or personal larceny in 1984. The rate of crime has increased by almost 200 percent in the past two decades to the point where nearly 23 million households were touched by crime last year. An average 23,000 citizens die as the result of crime annually, and many times that number are injured.

According to the most recent FBI Uniform Crime Reports, the overall crime rate rose 3 percent in the first 6 months of 1985, reversing a downward trend from 1982 to 1984. While the victimization rate for the elderly is actually less than for the population as a whole, older individuals have a much more difficult time recovering from a criminal incident physically, economically, and psychologically than do younger victims.

Major responsibility for criminal justice lies with state and local governments, since only five percent of all crimes committed fall under the jurisdiction of the Federal government, and state and local governments pay 87 cents of every criminal justice dollar. Nevertheless, the 98th Congress enacted major legislation to crack down on federal criminal offenses (e.g., bank robbery, drug distribution, transporting guns, terrorism, kidnapping). (Murder, rape, armed robbery and similar crimes are generally prosecuted under state laws.) The new federal laws impose stiffer sentencing requirements and penalties, assist states and localities in fighting crime and aiding victims through block grants and victim compensation funds.

The Committee will
a) learn first-hand accounts from elderly crime victims,
b) examine recent crime trends in the nation,
c) review federal, state and local legislation and other initiatives to combat crime and assist victims of crime and
d) examine the need for further legislative, regulatory and policy changes at all levels of government.

II. WITNESSES

1. Victims of Crime

- **Mrs Blanche Zidonik**, Manalapan, New Jersey, a 70 year old widow who was assaulted on the steps of her own home as she returned from an evening babysitting job.
- **Mrs Evalyn Blackwell**, Washington, D.C., age 67, who was burglarized five times in the past decade and has since joined other victims in performing crime prevention skits at D.C. senior citizens centers. An abbreviated skit will be presented.

2. Federal, State and Local Resources

- **The Honorable Lois Haight Herrington**, Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, will provide a statistical overview of violent crime against the elderly and review Justice Department initiatives to combat crime and assist victims.
- **Mr Eldon Page**, Commander, Sun City, Arizona Posse, will review this volunteer senior citizen adjunct to the County Sheriff's Department. Major posse activities include patrol, vacation home watch and Operation Identification.
- **Ms Marie Gooderham**, Member of The Board of Directors, American Association of Retired Persons (AARP), will discuss AARP's extensive crime prevention assistance activities and training programs to help law enforcement agencies work with older citizens.
- **The Honorable John Daffron**, Planning Chairman, National Conference of the Judiciary on the Rights of Victims of Crime, will provide a judicial perspective on victims' rights and possible court reforms.

III. HOW SERIOUS A PROBLEM?

After posting a three-year decline, crime is on the increase in 1985.

- The 1985 FBI Uniform Crime Report, stating that the overall crime rate rose 3 percent in the first 6 months of 1985, also reports that violent crime increased by 4 percent and property crime increased by 3 percent the same period. Property crimes,to which the elderly are particularly vulnerable, posted the following increases— larceny-theft, 4 percent; burglary, 1 percent; and motor vehicle theft, 5 percent. Assault, a violent crime, increased by 7 percent.
- The 1984 Crime Clock, reporting data on crime nationwide, states that one criminal offense occurs every 3 seconds. Broken down into categories, this means that a violent crime takes place every 25 seconds—one murder every 28 minutes; one forcible rape every 6 minutes; one robbery every 65 seconds and one aggravated assault every 46 seconds. In addition, one property crime occurs every three seconds—a burglary every 11 seconds; a

larceny-theft every 5 seconds, and one motor vehicle theft every 31 seconds.

Individuals are fearful of crime and perceive the problem as worsening.

- "Crime and lawlessness" was the second most common response of Americans asked "What do you think is the most important problem facing this country today?" according to a recent Los Angeles Times national poll.
- When asked by the Gallup survey "Is there any area right around here—that is, within a mile—where you would be afraid to walk alone at night?" 45 percent said "yes," 55 percent said "no." Even at home at night, 16 percent—nearly one out of six Americans—say they do not feel secure.
- When asked "Compared to a year ago, do you personally feel more uneasy on the streets, less uneasy, or not much different?" 41 percent answered "more uneasy," 51 percent said "not much different," and only seven percent said "less uneasy."

On average, older individuals are far less likely than younger individuals to be victimized. (Persons over 60 also commit the fewest crimes of any age group.) But,

- Recent Bureau of Justice Statistics data reveals that the ratio of robberies to assaults is 92 to 100 among the elderly compared to about 24 to 100 among younger persons. Thus, older individuals are far more likely than younger persons to be harmed in a holdup and are particularly susceptible to personal crime that is motivated by the opportunity for economic gain. Physical injury often sends them down an irreversible path of chronic disability and institutionalization.
- The fixed income and poor elderly are hit hard by even small property and financial losses. The theft of a television set or hearing aid may result in loss of contact with the outside world.
- The fear of crime or further victimization can lead to isolation from society and severe psychological stress.

The price of justice has never been higher.

- According to the Justice Department, the cost of arresting, prosecuting and trying a simple robbery case may range from $900 to over $33,000.
- In 1982, the average annual cost for one adult offender in a Federal prison is over $13,000, in a state prison, from $5,000 to $23,000, in a local jail, an average of $8,000. The costs are surely higher today.
- The average construction cost per bed in a medium security state prison is nearly $50,000.

Moreover, in 1983, there were approximately 27.4 million people age 65 or older, and the number of senior citizens is expected to grow sharply in the future, particularly between the years 2010 and 2030 when the "Baby Boom" generation reaches age 65. By

Federal legislation is also pending to restore the death penalty for certain federal crimes, make the robbery of controlled substances a federal offense, provide a good-faith exception to the exclusionary rule, which prohibits the use of illegally-seized evidence, provide federal assistance for prison construction, and give a tax credit to homeowners for the cost of dead-bolt locks.

C. Ongoing Programs

The Justice Department has a number of ongoing programs which benefit older Americans:

Office of Victims of Crime:
To lessen the trauma and improve the treatment of the elderly (and all victims) the office has undertaken the following activities:

- Training. The office is working with national criminal justice professional organizations to develop and deliver training to police officers, judges, prosecutors and defense attorneys on victim issues and needs, with stress to the needs of elderly crime victims.
- Legislation. Pursuant to recommendations made by the President's Task Force on Victims of Crime in 1982, the office is drafting model legislation for adoption by the states which would require victim impact statements at sentencing, require restitution and protect against disclosure of victim's addresses and telephone numbers.
- Victim Compensation. The office is developing procedures for the administration and distribution of funds to state victims' compensation programs under the Victims of Crime Act of 1984.
- Elder Abuse. A special unit is charged with implementing recommendations of the Attorney General's Task Force on Family Violence as they relate to the elderly.
- National Victims Resource Center. The office is developing the data base to serve as the Federal clearinghouse for all information concerning victim/witness assistance, victim compensation programs, and organizations that help crime victims and witnesses.
- Elderly Crime Statistics. Data gathered by the Bureau of Justice Statistics' National Crime Survey show elderly victimization rates and trends.

Other Justice Department activities include:

Promoting crime prevention competence through sponsorship of research to identify media and non-media strategies to reduce inappropriate levels of fear and in promoting the adoption of appropriate self-protection measures. The National Citizens' Crime Prevention Campaign features McGruff, the floppy-eared dog who urges the public to help "Take a Bite Out of Crime" by participating in neighborhood block watches, citizen patrols, escort services for the elderly and by taking simple precautions such as direct deposit of Social Security and pension checks.

Reducing victimization trauma through research examining the long-term effects of victimization and the various approaches for reducing these effects.

the year 2030 there will be about 65 million senior citizens.

IV. FEDERAL INITIATIVES

A. Legislation Enacted

1984 saw Congressional passage of the most comprehensive crime control effort since 1968. On October 12, 1984 President Reagan signed PL 98-473, which included, among other legislation, the Comprehensive Crime Control Act of 1984, the Juvenile Justice, Runaway Youth and Missing Children's Act Amendments of 1984, and the Victims of Crime Act of 1984. Numerous provisions will directly and indirectly help the elderly.

Comprehensive Crime Control Act of 1984

- Greatly restricts the "insanity" defense by shifting the burden of proof from the prosecution to the defendant who raises it. Formerly, the prosecution had to prove the accused sane—sometimes nearly impossible. Now, future John Hinckleys must prove insanity and can be so judged only when they cannot distinguish right from wrong.
- Reforms the bail system by allowing courts to deny bail if the government can prove that letting a defendant out on bond would endanger the community ("preventive detention"). Formerly, the only criterion was the likelihood that the accused would not return for trial.
- Abolishes parole in favor of a system of fixed ("determinate") sentences. Judges will impose sentences according to guidelines to be drafted by a Presidential Commission. They must stay within them or explain why not, thus helping to eliminate widely disparate sentences for the same crime.
- Establishes a minimum, mandatory five-year jail term for use of a firearm or armor-piercing bullets in federal crimes of violence.

Justice Assistance Act of 1984

- Establishes a new block grant program of $170 million to assist states with anti-crime activities. One of 18 priority areas eligible for federal funding is state and local programs designed to combat crime against the elderly.

Victims of Crime Act of 1984

- For the first time authorizes federal financial assistance to state victim compensation programs, state victim assistance providers, and increased services for victims of federal crimes. The fund is financed through revenue from federal criminal fines, penalties and forfeited bail bonds.

B. Pending Legislation

On July 30, 1985, Congressmen Rinaldo and Roybal introduced H.R. 3120, the "Elderly Crime Prevention and Victim Assistance Act of 1985". This bill, which was referred to the Committee on the Judiciary, establishes a central Justice Department office to monitor and coordinate federal crime prevention and victim assistance programs and to provide technical assistance and information to older individuals and groups.

Publications. The Department has produced several publications relating to crimes against the elderly, including Crime Prevention Handbook for Senior Citizens, Crime Prevention Through Environmental Design, and Criminal Justice and The Elderly: Selected Bibliography.

V. STATE INITIATIVES

A. Legislation and Enforcement

As the new federal legislation may constitutionally apply only to federal crimes, individual states must also act to toughen enforcement. While the 1984 legislation will serve as a model for the states, many states have already moved to implement similar reforms, as well recommendations included in the 1982 report of the President's Task Force on Victims of Crime.

Some states now:

- Establish minimum prison terms for crimes involving firearms
- Provide victims with the opportunity to offer written statements or testimony in parole release hearings.
- Permit victims to submit statements about the impact of the crime on their lives and families, to be considered by the judge prior to sentencing the defendant ("victim impact" statements).
- Consider "advanced age" of the victim an "aggravating circumstance" which the sentencing court must consider in determining an appropriate sentence.
- Authorize courts to order criminal offenders to make restitution to their victims.
- Have "Son of Sam" legislation ensuring that criminals will no longer profit from the sale of a book or movie which re-enacts their crime.
- Abolish parole and limit judicial descretion in sentencing.
- Require that certain professionals report known instances of elder abuse to the state ombudsman.
- Admit hearsay evidence in preliminary hearings so that victims need not testify in person.
- Have comprehensive legislation recognizing a "Bill of Rights" for crime victims and witnesses.
- Abolish the Exclusionary Rule as it applies to Fourth Amendment issues.
- Consider victim counseling legally privileged and thus not subject to defense discovery or subpoena.
- Permit bail denial if there is a substantial liklihood that defendant, if released, would harm the victim or witness.
- Prescribe a minimum prison term for certain crimes against persons over 60.
- Adopt legislation opening parole release hearings to the public.
- Permit videotaping of testimony in certain criminal proceedings involving senior citizens.

B. Programs

- Victims Compensation Mechanisms. Legislatures in 39 states, the District of Columbia, and the Virgin Islands, have enacted measures to compensate some classes of crime victims. Under these programs, payments are made from state-administered funds upon application by the victim or other eligible claimant.
- Generally, the offender need not be apprehended or convicted for the victim to be

compensated. Some states require a minimum loss threshold; others do not. Many states compensate expenses arising from physical injuries. Some states are also beginning to compensate for property losses.

- Protection After Neglect or Abuse. Some state statutes protect elderly victims after abuse or neglect has occurred. Such legislation usually designates an agency that can arrange for basic necessities to assure that the elderly person has a safe and comfortable environment.

Related services in some states include:

- Toll-free Victim/Witness Hotline. The hotline provides information and referral to victim advocacy programs, community resources and criminal justice agencies.

- Counseling Services. Some compensation boards provide free counseling services to victims of crime, including assistance with claims filing, emergency funds and clothing, employment opportunities, referrals to other social service agencies and legal representation.

VI. LOCAL INITIATIVES

Through the efforts of community organizations, church and lobby groups, as well as sponsorship by municipal governments and their police departments, local assistance programs have been established to respond to crime victims and witnesses' special needs.

Initiatives typical in many states include:

- Victim-witness units with advocates responsible for helping the needs of victims and witnesses
- No plea-bargaining as a prosecution policy when elderly individuals are victimized
- Neighborhood Watch programs, home security surveys, identification operations, prevention seminars and other citizen/community efforts, including older volunteers in law enforcement agencies.

VII. ISSUES

- The impact of the 1984 changes in federal bail, sentencing and penalty laws on crime against the elderly.
- The impact of new federal block grant funds for elderly crime prevention programs.
- The impact of new federal assistance to victims' compensation programs.
- The need for further legislation to combat crime and assist victims.
- Ways to promote increased cooperation among federal, state and local authorities.
- Methods to increase the involvement of older individuals themselves in crime prevention efforts.

FOR FURTHER REFERENCE, PLEASE SEE CRS PACKETS IP311C, IPO310C, IP0329C.

* * *

APPENDIX 2

AARP

October 22, 1985

The Honorable Matthew J. Rinaldo
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Rinaldo:

The American Association of Retired Persons, the largest membership organization in the country with over 20 million members, strongly supports the bill introduced on July 30, 1985 by you and Chairman Edward R. Roybal of the House Select Committee on Aging, the "Elderly Crime Prevention and Victim Assistance Act of 1985, H.R. 3120.

This bill is an important step in recognizing that crimes against older Americans are not only increasing in frequency but have unique and magnified consequences that may not be present with younger victims. The proposed National Resource Office Relating to Crimes Against Older Individuals, to be established within the Department of Justice, will serve many valuable functions in the provision of programs for law enforcement and judicial officers, research and data collection on crimes against the elderly, victim assistance and coordination of federal, state and local efforts to combat this great problem.

AARP has long advocated the establishment of such programs and will work for the passage of H.R. 3120.

AARP applauds you, Chairman Roybal and your co-sponsors for introducing this important bill.

Very truly yours,

John Rother

John Rother
Director,
Legislation, Research and Public Policy Division

/JR

cc: The Honorable Edward R. Roybal

THE NATIONAL COUNCIL ON THE AGING, INC.
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NOV 12 1985

November 4, 1985

Honorable Matthew J. Rinaldo
Ranking Minority Member
U. S. House of Representatives
Select Committee on Aging
Washington, DC 20515

Dear Congressman Rinaldo:

This letter is in response to your letter of October 1, 1985 concerning H.R. 3120. Please pardon the delayed response.

The National Council on the Aging, Inc. strongly endorses H.R. 3120. The establishment of one central office to coordinate and monitor Federal crime prevention and assistance programs for older persons; provide centralized information and technical aid on elderly crime statistics, training of judicial and law enforcement officers in this area; financial assistance sources and research; and serve as liaison with all Federal departments and agencies who operate aging programs is long overdue.

I congratulate you and your co-sponsors on the introduction of H.R. 3120. We will be glad to testify, if there is a hearing, and assist in any other ways to move this highly desirable bill forward.

Sincerely,

Jack Ossofsky
Executive Director

JO:daw

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James R. Gunning
Barbara Sklar
Frankie M. Freeman
Elsa M.D. Walker
James H. Agee
James R. Gunning
Arthur S. Flemming, J.D.
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APPENDIX 3

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PAUL SCHLEGEL
MINORITY STAFF DIRECTOR

March 10, 1985

The Honorable Samuel R. Pierce
Secretary
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Dear Mr. Secretary:

On February 11, 1985 the Select Committee on Aging held a field hearing on "Violent Crime Against the Elderly," at the Richmond Towers senior citizens residence in Plainfield, New Jersey. The Committee heard from older victims of crime, as well as a variety of federal, state and local law enforcement officials.

Several witnesses observed that there has been an increase in crime, both inside and in the immediate environs of federally-assisted housing for the elderly. They noted that locks are sometimes in poor repair, that interior lighting is inadequate or easily vandalized, and that sharp cuts in federal operating funds have forced the curtailment or elimination of project security guards and patrols.

Congress has recognized the growing problem of crime in federally-assisted housing, particularly crime against the elderly. In passing the Public Housing Security Demonstration Act of 1978 (P.L. 95-577) Congress found that "low income and elderly public housing residents...are being threatened as a result of inadequate security arrangements for the prevention of physical violence, theft, burglary and other crimes" and that "older persons generally regard the fear of crime as the most serious problem in their lives." Sec. 207 (b)(1)

Sec. 207 (c)(1) of the Act required the Secretary of Housing and Urban Development to initiate a "program for the development, demonstration and evaluation of improved, innovative community anticrime and security methods, concepts and techniques which will mitigate the level of crime in public housing projects and their surrounding neighborhoods," including a survey of crime and vandalism existing in the Nation's public housing projects.

The Honorable Samuel R. Pierce
Page Two
March 10, 1985

The Act further mandated that the Secretary report to Congress by April, 1982 on

> the results of the survey on crime and vandalism in public housing; findings from the demonstration and evaluation of various methods of reducing the level of crime; and legislative recommendations, if appropriate, for (A) a comprehensive program to increase security in public housing projects and (B) increasing the coordination between anticrime programs of other State and Federal agencies that may be used by public housing authorities.

Sec. 207 (e)

As Chairman and ranking Minority member of the Select Committee on Aging, we would appreciate your response to the following questions:

1) When may Congress expect the report required by P.L. 95-577, now nearly three years overdue?

2) What specific initiatives and programs has the Department undertaken pursuant to the above legislation?

3) What design, construction and maintenance specifications does the Department require to ensure that housing projects have adequate door and window locks and other security hardware in working order and that vandal-resistant inside and outside lighting be working at appropriate times?

4) The President's FY 1986 housing budget proposed a 20 percent cut in funds for operation of existing projects and a 10 percent reduction in the Community Development Block Grant program, a considerable portion of which is generally allocated to municipal housing authorities by state and local governments. How does the Department expect that current anticrime efforts in federally-assisted housing be maintained in view of such reductions?

We know that you share our concern for the safety of residents of the nation's federally-assisted housing and look forward to your prompt response.

Sincerely yours,

Edward R. Roybal
EDWARD R. ROYBAL
Chairman

Matt Rinaldo
MATTHEW J. RINALDO
Ranking Minority Member

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, D.C. 20410

May 20, 1985

Honorable Matthew K. Rinaldo
Ranking Minority Member
Select Committee on Aging
House of Representatives
Washington, DC 20515

Dear Mr. Rinaldo:

Thank you for your letter of March 10, 1985, in which you raised four questions regarding actions taken by the Department of Housing and Urban Development (HUD) in response to P.L. 95-577 and the safety of public housing residents in general.

Pursuant to P.L. 95-577, HUD announced the Public Housing Urban Initiatives Anti-Crime Program in May 1979. Thirty-nine public housing agencies (PHAs) were selected to participate in the Program. Approximately $31 million was provided to PHAs through a joint effort between HUD and the Departments of Justice, Labor and Health and Human Services. As a result of the Program (which ended September 30, 1982), PHAs implemented a variety of anti-crime activities, e.g., victim/witness programs, youth patrols, escort services, installed security hardware, etc. A copy of the report is enclosed.

The Department's Office of Policy Development and Research awarded a $1.8 million contract to the Police Foundation to conduct an evaluation of the Anti-Crime Program. The evaluation covered 16 of the 39 PHAs that participated in the Program. The final evaluation report, as required by P.L. 95-577, was transmitted to the chairpersons of the Department's oversight committees and subcommittees in the Senate and House of Representatives on April 18, 1985.

With respect to your question on the Department's requirements for adequate door and window locks, other security hardware and lighting, you may be aware, pursuant to their Annual Contributions Contract, PHAs are required to provide decent, safe and sanitary housing for their residents. Although we believe that security is fundamentally a local responsibility, in support of this mandate the Department recently issued the revised Public Housing Modernization Standards Handbook 7485.2 REV-1 (dated February 4, 1985). The Handbook establishes minimum mandatory performance standards for rehabilitation work under the Comprehensive Improvement Assistance Program (CIAP). For example:

- Windows must have keyless sash locks such as "clam shell" or equivalent interior fasteners. In areas where security is a problem, windows affording easy access may be provided with a better security system (e.g., security screens, grills or window guards).

- Exterior doors shall be equipped with a lock that is keyed from the outside and that is in good operating condition. If additional security is required, other methods of securing the doors may be considered.

- Interior lights for public spaces, shall have at a minimum, translucent vandal-resistant bulb covers or globes. When replacement is required and vandalism is a problem, high impact plastic or other vandal-resistant fixtures should be used.

- Exterior lighting shall be provided for safe and convenient site access, circulation and building entry. Lighting fixtures shall be supported and anchored, and be vandal-resistant. In areas where lighting systems have been vandalized and abused, PHAs may consider the provision of high intensity lighting in outdoor areas requiring high visibility; use of keyed switches to prevent unauthorized manipulation; and use of building mounted outdoor lighting.

In addition to security hardware, PHAs may request CIAP funds for some limited security related management improvements. For the newly constructed public housing units, PHAs are required to comply with all applicable minimum property standards in conjunction with State and local code requirements.

The proposed Fiscal Year (FY) 1986 reduction in operating subsidy funds takes into account the implementation of legislation increasing the maximum allowable rent levels for residents and a revised definition of adjusted income. It also takes into account revised operating subsidy calculations based on the "rolling base" utility consumption level, a one-year freeze on PHA and Indian Housing Authority personnel and related expense levels, and the beginning of a phasing-down of payments in situations where excessive vacancy levels exist. To supplement PHA security needs, the Department encourages PHA officials to rely more heavily on their respective localities for the provision of security for public housing residents. This is in line with the provisions of the Cooperation Agreements which are formal agreements between the PHA and the local government. The Cooperation Agreement requires the locality to provide public services (e.g., police, fire, etc.) to public housing residents which are comparable to those provided to other residents. As for the proposed FY'86 reduction in Community Development Block Grant funds, priorities for the expenditure of these funds must be established by Entitlement grantees that receive the funds and the State recipients that distribute the Small Cities funds.

Please be assured that the Department is fully aware of the concerns raised regarding security in public housing in general and as it relates to the elderly in particular. A similar response is being sent to Congressman Roybal.

Very sincerely yours,

Samuel R Pierce Jr

Samuel R. Pierce, Jr.

Enclosure

APPENDIX 4

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PAUL SCHLEGEL
MINORITY STAFF DIRECTOR

April 3, 1985

Mr. Charles M. Hollis
Office for Victims of Crime
Office of Justice Programs
633 Indiana Avenue, Northwest
Washington, D.C. 20531

Dear Mr. Hollis:

We wish to submit comments on the Department of Justice, Office of Justice Programs, Crime Victim Compensation Grants Program Guidelines, published at 50 Federal Register No. 49, Wednesday, March, 13, 1985, page 10119. Comments are due on or before April 12, 1985.

As Chairman and Ranking Minority Member of the Select Committee on Aging, we recognize that crime is a major concern of older Americans and want to ensure that all levels of government are responsive to the needs of elderly victims of crime. While we are pleased overall with the Notice of Program Guidelines, we urge modification of Section V (Civil Rights) and Section VI (Reporting Requirements) as they relate to age.

Section V

Although the guidelines note that "Recipients of funds under the Act are also subject to...the Age Discrimination Act of 1975," discrimination on the basis of age is omitted from the requirement that victim compensation programs submit information on civil rights violations to the Office of Justice Programs Office of Civil Rights Compliance. We urge, therefore, that Section V (B) (2) be amended to read as follows:

> To be eligible for funding under the Act, a crime victim compensation program must submit the following assurances and information: ...
>
> (2) An assurance that in the event a Federal or State court or Federal or State administrtative agency makes a finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, sex, ~~or~~ handicap or age against the program, the program will forward a copy of the finding to the OJP Office of Civil Rights Compliance (OCRC);

Mr. Charles M. Hollis
April 3, 1985
Page Two

Section VI

As Congressional hearings and Justice Department studies have made clear, older individuals have much more difficulty recovering from a crime economically, physically and psychologically than do younger victims. It is imperative that the federal government be able to adequately measure the extent to which older individuals are served by victim compensation programs funded in part by federal dollars. While we realize that requiring states to submit the age of every beneficiary is impractical, we urge, at a minimum, that beneficiaries over the age of 60 be reported. Section VI (4) should be amended to read as follows:

> It is projected that the programs will be asked to provide the following information: ...
>
> 4. Victim statistics and analysis, i.e., the number of claims, awards and denials by race, sex, national origin ~~and~~ handicap, and age group.

We believe that these suggested modifications, while slight, will assist the Administration and Congress in assessing the quality and effectiveness of victim compensation programs for older Americans.

Please call John Vihstadt (226-3394) or Sheila Duffy (226-3375) of the Committee staff if you have any questions.

Sincerely yours,

Edward R. Roybal
EDWARD R. ROYBAL
Chairman

Matt Rinaldo
MATTHEW J. RINALDO
Ranking Minority Member

APPENDIX 5

IP 329C (GO)

Rights for Victims and Witnesses

"Some rights of law-abiding Americans are so fundamental that they cry out for protection . . . they include the right to civilized and compassionate treatment when we have fallen victim to a law-breaker."

Attorney General William French Smith, October 23, 1981

As a just and humane people, Americans should support rights for those victimized by crime with the same pride as we provide protections to those accused of crime.

Those who are entitled to new rights certainly include crime victims. But also needing protection and services are the victim's family and friends, and witnesses to crime.

The National Organization for Victim Assistance supports the adoption of a bill of rights for victims and witnesses in every state and locality. The following list is a summary of many rights, proposed and adopted, that have been advanced in recent years. NOVA hopes that it will encourage victim advocates and policy makers everywhere to formulate their own bill of rights.

1. Victims and witnesses have a right to be treated with dignity and compassion.

- A victim has a right to basic human services to meet emergency and long term needs caused by financial, physical, or psychological injury.
- A victim or witness has a right to be treated with dignity by human service professionals who provide basic assistance.
- A victim or witness has a right to receive courteous assistance as they cooperate with criminal justice personnel.

2. Victims and witnesses have a right to protection from intimidation and harm.

- A victim or witness has the right to be free from intimidation when involved in the criminal justice system.
- The victim or witness has the right to receive the maximum available protection from threats and harm when such intimidation cannot be prevented.

3. Victims and witnesses have a right to be informed concerning the criminal justice process.

- A victim or witness has a right to be informed about the procedures and practices of the criminal justice system.
- A victim or witness has a right to be informed of financial assistance and other social services available to victims and witnesses.
- A victim or witness has a right to be informed of any compensation or fees to which they are entitled.
- A victim or witness has the right to know the status and progress of his/her case from the police investigation to final disposition.
- A victim or witness has a right to be informed of a defendant's release on bail.
- A victim or witness has a right to be informed of post-sentence hearings affecting the probation or parole of the offender.
- A victim or witness has the right to be informed when the convicted offender is released from prison.
- A victim or witness has the right to be informed of all hearings and procedures in time to exercise his/her right to attend.
- A victim or witness has the right to be informed of whatever rights to legal counsel are available to him/her in that state.

4. Victims and witnesses have a right to counsel.

- A victim or witness has a right to receive confidential counsel from persons outside of the criminal justice system such as a counselor, clergyman, or victim advocate.
- A victim has the right to participate in the criminal justice process directly or through representation.
- A victim, witness or a representative of either have the right to discuss their case with the prosecutor and to have it explained in non-technical language.
- A victim or witness has the right to retain counsel with standing in court to represent him/her in cases involving the victim's reputation.
- A victim has a right to be informed of available civil rights and remedies respecting his or her case.
- A victim has the right to discuss his or her case with the District Attorney and be informed of any offers to plea bargain with the defendant.

5. Victims and witnesses have a right to reparations.

- A victim or witness has the right to receive a reasonable witness fee plus reimbursement for necessary out-of-pocket expenses associated with lawfully observing a subpoena.
- A victim or his or her surviving dependents have the right to receive financial compensation for physical and/or emotional injuries suffered as a result of being a victim of crime.
- A victim has the right to receive restitution for expenses or property loss incurred as the result of the crime, and when restitution is ordered, to have the order diligently and fairly enforced.
- A victim has a right to proceed in civil suits for recovery for damages and to place a lien on any profits received by his assailant as a result of publications or media coverage resulting from the crime.

6. Victims and witnesses have a right to preservation of property and employment.

- A victim or witness has the right to respond to a subpoena without fear of retaliation or loss of wages from his or her employer.
- A victim has the right to have recovered, identifiable property returned quickly, whenever possible using photographs as evidence in any criminal proceeding.

7. Victims and witnesses have a right to due process in criminal court proceedings.

- A victim or witness has the right to be notified in advance when a court proceeding has been rescheduled or cancelled.
- A victim or witness has the right to a speedy disposition of the case so as to minimize the stress, cost, and inconvenience resulting from his or her involvement in a prosecution.
- A victim has the right to have a victim impact statement presented and considered prior to sentencing.

CAMPAIGN FOR VICTIM RIGHTS

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APPENDIX 6

IP 329C (GO)

Congressional Research Service
The Library of Congress

Washington, D.C. 20540

ORGANIZATIONS AND FEDERAL AGENCIES CONCERNED WITH VICTIM ASSISTANCE

On the following page is a list of national organizations concerned with criminal victimization. This list, which includes the name, address, and telephone number of the organization, as well as a brief description of how it functions, is taken from the Encylopedia of Associations.

Many States and localities have established programs or services for victims of crime. Local libraries or law enforcement agencies may be able to identify local groups or offices which assist victims.

The national offices or groups listed below may also be able to provide additional information.

Federal Agencies:

Office for Victims of Crime
U.S. Department of Justice
1352 Indiana Building
633 Indiana Avenue N.W.
Washington, D.C. 20531

(202) 724-5947

Bureau of Justice Statistics
U.S. Department of Justice
633 Indiana Avenue N.W.
Washington, D.C. 20531

(202) 724-7774 (victims of crime)
(202) 724-7759 or 724-6100 (victim and witness assistance programs)

Special Committees of National Organizations:

Victims Committee
International Association of Chiefs of Police
13 First Field Road
Gaithersburg, Maryland 20878

Victim/Witness Committee
National District Attorneys Association
708 Pendleton Street
Alexandria, Virginia 22314

Victims Committee
Criminal Justice Section
American Bar Association
1800 M Street N.W.
Washington D.C. 20036

Irene Schubert
Reference Specialist
Congressional Reference Division
April 1, 1985

★9366★ NATIONAL ASSOCIATION OF CRIME VICTIM COMPENSATION BOARDS (NACVCB)
c/o Ronald A. Zweibel
Rm. 200-270 Broadway
New York, NY 10007
Phone: (212) 587-5133
Ronald A. Zweibel, Pres.
Founded: 1978. **Members:** 38. **State Groups:** 38. State crime victim compensation boards. Objectives are: to formulate new crime victim compensation programs; to develop better methods of administering existing programs; to form liaisons with other victim-oriented groups; to encourage appropriate state and federal legislation relative to crime victims.

★9367★ NATIONAL ASSOCIATION FOR CRIME VICTIMS RIGHTS (NACVR)
P.O. Box 16161
Portland, OR 97216
Phone: (503) 252-9012
Raymond L. Morden, Exec.Dir.
Founded: 1976. **Members:** 2100. **Regional Groups:** 1. **State Groups:** 9. Local businesses, professional groups, and others "fed up" with the increase in crime and excessive violence. Through Operation Strike Back, attempts to show people that there is an alternative to living in fear of crime. Seeks, through a concerted national effort, "to reverse the overconcern for criminals' rights at the expense of victims' rights." Holds victimization seminars and self-defense training projects. Maintains library of 25 volumes of videotape documenting crime and victims' rights over the past several decades and articles. Presents awards to citizens involved in helping victims regardless of any danger to themselves. Compiles information scanning two and a half decades. Conducts research programs; operates speakers bureau. **Divisions:** Research; Statistical; Victims Advisory Board. **Publications:** (1) Crimes Eye Newsletter, bimonthly; (2) Operation Strike Back, irregular.

★9374★ NATIONAL INSTITUTE OF VICTIMOLOGY (Crime) (NIV)
2333 N. Vernon St.
Arlington, VA 22207
Phone: (703) 528-8872
Emilio C. Viano, Ph.D., Dir.
Founded: 1976. Provides information and assistance to concerned individuals, victim/witness programs, volunteer organizations and criminal justice-related agencies and individuals such as police and prosecutors. Works to improve victim/witness services and to make the public and criminal justice personnel aware of the problems and needs of crime victims. Holds training programs and offers consultative services. Maintains 3500 volume library and file collection of victim/witness research, statistics and publications. Bestows awards to distinguished scholars, researchers and activists in the victim/witness field. **Publications:** Victimology: An International Journal, quarterly; also publishes books and monographs. **Convention/Meeting:** annual World Congress of Victimology.

★9375★ NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE (Crime) (NOVA)
1757 Park Rd., N.W.
Washington, DC 20010
Phone: (202) 232-8560
Marlene A. Young, Exec.Dir.
Founded: 1976. **Members:** 1500. **Staff:** 14. Victim counselors, district attorneys, police officials, mental health professionals, judges crisis intervention specialists, domestic violence and rape crisis workers, former victims and others whose purpose is "to express forcefully the victims' claims, too long ignored, for decency, compassion, and justice; to press those claims for the victims of crime and also for the victims of other stark misfortunes; and to insure that victims' rights are honored by government officials and all others who can aid in the victims' relief and recovery." Offers technical counsel, referrals, services and public support to victim assistance programs; also provides services to victims directly. Serves as clearinghouse on state and federal legislation. Maintains speakers bureau; conducts educational activities; sponsors National Victim Rights Week. Presents annual awards. Establishing networks of service providers in 50 states to foster communications. **Committees:** Domestic Violence; Elderly Victimization; Judiciary; Juvenile Victimization; Law Enforcement; Legislation and Litigation; Minority Victims; Network; Office on Victims; Probation and Parole; Prosecution; Reparations; Sexual Assault; Victim Rights. **Publications:** (1) Newsletter, monthly; (2) Legislative Directory, annual; (3) Victim Rights Campaign, annual; (4) Victim Service Program Directory, annual; also publishes Victim Services System: A Guide to Action. **Convention/Meeting:** annual Victim Assistance Conference - 1984 Oct. 7-10, Des Moines, IA.

★9377★ NATIONAL VICTIMS OF CRIME FOUNDATION (NVCF)
2000 K St., N.W., Suite 300
Washington, DC 20006
Phone: (202) 822-[illegible]
John Barry, Exec.V.Pres.
Founded: 1981. **Members:** 13,000. Persons concerned about victims' rights and the reduction of crime. Objectives are: to establish a national victims compensation program; to educate the public on the financial and emotional burdens of crime victims and how the public can help in these matters; to initiate, develop, and analyze community-based crime reduction programs; and to analyze criminal justice reform legislation. Presents annual awards. Sponsors seminars.

★9380★ VICTIMS FOR VICTIMS (Crime) (VV)
1800 S. Robertson Blvd., Suite 400
Los Angeles, CA 90036
Phone: (213) 850-5001
Theresa Saldana, Pres.
Founded: 1982. **Members:** 125. Crime victims, attorneys, doctors, psychologists, and other concerned individuals. Purpose is to help victims of violent crime and those close to them to deal with physical and psychological damage and to promote victims' rights. Offers victims contact with others who have shared the same experience; supports the study of victims in order to lessen victims' feelings of isolation and alienation. Works to improve the legal position of victims by working to pass and amend legislation on violent crimes. Provides counseling, transportation, trial preparation, and moral support. Plans to establish a shelter for victims of violent crime. Seeks to form a coalition with other victims rights groups. Publishes brochure. Activities are currently centered in California but the group plans to become national. **Committees:** Legal and Political; Support Network. **Convention/Meeting:** monthly.

★9376★ NATIONAL VICTIMS OF CRIME (NVC)
715 Eighth St., S.E.
Washington, DC 20003
Phone: (202) 543-5379
David Gilroy, Exec.Dir.
Founded: 1981. **Members:** 50,000. **Staff:** 5. **State Groups:** 1. A public interest group of persons interested in crime victims' rights. Purposes are: to promote victims rights and advocate better treatment for victims of crime; to reduce crime by improving the criminal justice system; to support federal and state legislation, such as the Comprehensive Crime Control Act of 1983, a criminal justice reform bill. Serves as the lobbying arm of the National Victims of Crime Foundation (see separate entry). **Publications:** Victim's Voice, quarterly.

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APPENDIX 7

CRIME AND THE ELDERLY:
A NATIONAL SURVEY

Concerned about the rising tide of violent crime committed against the nation's elderly, I initiated a national survey of state governors, state attorneys general and state agencies on aging in December 1984 and January 1985.

The surveys sought to gather information about anti-crime efforts in each state, including programs, activities, intergovernmental cooperative efforts, legislative proposals and other initiatives aimed at crime prevention and victim assistance targeted to older individuals.

I am extremely pleased by the response. Many governors, attorneys general, and state unit on aging directors have moved swiftly in the past several years to encourage and implement crime prevention seminars for the elderly, programs to assist individuals in securing their residences against unlawful entry, and escort services to discourage assaults. More significantly, states are passing tough new legislation which cracks down hard on the perpetrators of crimes against older individuals through stiffer sentences and restrictive parole and probation regulations.

Elderly victims are also receiving better treatment through judicial consideration of mandatory victim impact statements, expedited hearing procedures, anti-intimidation laws and victims' compensation and restitution mechanisms.

Because 95 percent of all crimes committed against the elderly fall under state, as opposed to federal, jurisdiction, it is essential that this state leadership continue. As Ranking Minority Member of the Select Committee on Aging, I intend to help ensure that it does.

MATTHEW J. RINALDO
Ranking Minority Member
Select Committee on Aging

(Note: Complete survey results are available through the Select Committee on Aging, 606 House Annex One, Washington, D.C. 20515.)

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PAUL SCHLEGEL
MINORITY STAFF DIRECTOR

January 7, 1985

NO ITEM TO INSERT

Dear
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Despite massive efforts by federal, state and local governments, crime against the elderly remains a pervasive national problem. While elderly victimization rates are no higher than for the general population, older victims have much greater difficulty recovering from a criminal incident economically, physically and psychologically. Many senior citizens, scared to venture outside even during daylight, are virtual prisoners in their own homes.

In order to assess the activities of all levels of government and the need for further administrative and legislative changes to cope with this problem, the Select Committee on Aging is surveying all state governors, attorneys general, and state units on aging. We would appreciate your completing the enclosed questionnaire and returning it no later than January 25, 1985.

Please call John Vihstadt or Paul Schlegel of the Aging Committee staff (202-226-3393) if you have any questions.

Thank you for your cooperation and assistance.

Sincerely yours,

MATTHEW J. RINALDO
Ranking Minority Member

MJR:jv
Enclosure

U.S. HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON AGING

JANUARY 1985 SURVEY: CRIME & THE ELDERLY

STATE ATTORNEYS GENERAL

1. The Justice Assistance Act of 1984 (P.L. 98-473) established a program of block grants available to states, units of local government and private nonprofit organizations "to assist states and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on violent crime and serious offenders." "Addressing the problem of crime committed against the elderly" is one of eighteen priority areas for grant awards. Federal Register regulations are expected shortly.

   Section 408(a) of the act provides that the governor of each participating state shall designate a state office for purposes of application preparation and funds administration.

   A. Assuming your state participates, how do you expect your office to be involved in this program?

   B. How will your state decide priorities for block grant funds allocation?

   C. What priority do you expect that the problem of crime committed against the elderly will receive?

2. Does your state have a crime victims compensation mechanism? If so,

   A. Is compensation provided for expenses arising from physical injuries?

   B. Is compensation provided for property losses?

   C. Is there a "deductible" or minimum loss threshold?

   D. What was the percentage of claimants over 60 in the past year?

   E. What is the average length of time between application for compensation and final disposition of the claim?

   F. What efforts are made to ensure that older individuals are aware of the mechanism?

   NOTE: PLEASE INCLUDE A DESCRIPTIVE BROCHURE

3. **The President's Task Force on Victims of Crime issued a final report in December 1982 containing numerous recommendations for federal and state action to combat crime. Please indicate whether each of the following items has been enacted in your state, pending, or not yet considered. Please also indicate whether you believe implementation would have a beneficial impact on crime against the elderly.**

Enacted	**Pending**	**Not Yet Considered**	
			1. Ensure that addresses of victims and witnesses are not made public or available to the defense, absent a clear need as determined by the court.
			2. Ensure that designated victim counseling is legally privileged and not subject to defense discovery or subpoena.
			3. Ensure that hearsay is admissible and sufficient in preliminary hearings, so that victims need not testify in person.
			4. Amend the bail laws to accomplish the following:
			a. Allow courts to deny bail to persons found by clear and convincing evidence to present a danger to the community;
			b. Give the prosecution the right to expedited appeal of adverse bail determinations, analogous to the right often held by the defendant;
			c. Codify existing case law defining the authority of the court to detain defendants as to whom no conditions of release are adequate to ensure appearance at trial;
			d. Reverse, in the case of serious crimes, any standard that presumptively favors release of convicted persons awaiting sentence or appealing their convictions;
			e. Require defendants to refrain from criminal activity as a mandatory condition of release;

Enacted	Pending	Not Yet Considered	
			and
			f. Provide penalties for failing to appear while released on bond or personal recognizance that are more closely proportionate to the penalties for the offense with which the defendant was originally charged.
			5. Abolish the exclusionary rule as it applies to Fourth Amendment issues.
			6. Open parole release hearings to the public.
			7. Abolish parole and limit judicial discretion in sentencing.
			8. With regard to victims,
			a. Require victim impact statements at sentencing;
			b. Provide for the protection of victims and witnesses from intimidation;
			c. Require restitution in all cases, unless the court provides specific reasons for failing to require it;
			d. Develop and implement guidelines for the fair treatment of crime victims and witnesses; and
			e. Prohibit a criminal from making any profit from the sale of the story of his crime. Any proceeds should be used to provide full restitituion to his victims, pay the expenses of his prosecution, and finally, assist a crime victim compensation fund.
			9. Ensure that sexual assault victims are not required to assume the cost of physical examinations and materials used to obtain evidence.

4. A. Please cite and describe any state statutes which provide for different penalties or otherwise treat crimes committed against the elderly differently from those committed against individuals in other age groups.

B. Do you believe such differentiation based on the age of the victim is a good idea? Why or why not?

5. Please list any changes in federal legislation you believe are necessary to assist your state and its localities to combat crime against the elderly.

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PLEASE RESPOND BY APRIL 25, 1985

Crime Against the Elderly

National Survey

State Attorneys General

In January, 1985, The Select Committee on Aging conducted a fifty-state attorneys general survey designed to gather information about states' efforts in the battle of crime committed against the elderly. Thirty-four state attorneys general responded to the survey, although not every attorney general answered every question. This report discusses the survey's most significant results.

The first question in the survey addressed The Justice Assistance Act of 1984 (P.L. 98-473), a federal initiative that created a block grant program of one hundred and seventy million dollars to assist states and units of local government with anti-crime activities. The Act requires "specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on violent crime and serious offenders." One of eighteen priority areas eligible for funding is state and local programs designed to combat crime against the elderly.

The survey asked how each state would determine its priorities for block grant funds allocation. Thirteen attorneys general replied that a decisionmaker had not yet been designated. Only two attorneys general indicated their offices would make this decision and five others said that decisions regarding priorities would be made by other state agencies. Five attorneys general replied that their governor's office would determine grant funds priorities.

When asked how high a priority crime against the elderly would be given, eleven attorneys general indicated high priority; two attorneys general, medium priority; four attorneys general, low priority; and twelve attorneys general were uncertain.

The second survey question asked whether the attorneys generals' states had a crime compensation mechanism. Of the thirty-four state attorneys general participating in the survey, twenty-seven replied that their states had crime compensation mechanisms and six indicated that their states did not.

Of the twenty-seven states providing crime victims compensation, twenty-six indicated that compensation was provided for expenses arising from physical injuries. Only Arizona does not provide such compensation although the legislature is currently considering such a program. Most responding states reported that they do not compensate for property losses. Five states do provide such compensation.

Half of the states with crime compensation mechanisms require a minimum loss threshold whereas the other half do not. The overwhelming majority of states have minimum loss thresholds of one hundred dollars. Of particular note is Kentucky: although Kentucky normally requires a minimum loss threshold in its crime compensation program, persons over the age of sixty-five are exempted from the minimum loss threshold requirement.

Nine attorneys general with crime compensation mechanisms present in their states reported that less than ten percent of their claimants in the past year were over the age of sixty. Five attorneys general replied that ten to twenty percent of their claimants were over sixty and eleven attorneys general did not know the applicable percentage. The Massachusetts attorney general reported that thirty percent of its claimants were past age sixty.

The average length of time between application for compensation and final disposition of the claim varied greatly among the states. Of the twenty-seven attorneys generals' responses, twelve stated that the average disposition of claims averaged six months or less; seven states averaged three months or less; two averaged one year or less, and two averaged more than a year.

The survey inquired into efforts of state attorneys general to ensure that older individuals were aware of the existence of crime victims compensation mechanisms. The responses were varied: some states use brochures, media, and group meetings. Others range from requiring that the victim be notified by law enforcement agencies to requiring that probation officers notify felony victims.

The President's Task Force On Victims Of Crime issued a final report in December, 1982 containing numerous recommendations for federal and state action to combat crime. The Select Committee on Aging's survey of state attorneys general asked each state attorney general to indicate whether legislation recommended by the Task Force had been enacted, was pending, or had not yet been considered.

Of the many questions asked, the following results are of particular interest: with regard to victims, half of the attorneys general responding to the survey said that their states required victim impact statements at sentencing and nine replied that such legislation was pending. For example, in California, the victim of any crime, or his or her parent, or guardian if the victim is a minor, or the next of kin if the the victim has died, has the right to appear, personally or by counsel, at sentencing proceedings and to express his or her views concerning the crime, the person responsible and the need for restitution. When imposing sentence, the court is required to consider such statements. In addition, well over a majority of the attorneys general reported that their states have enacted legislation which protects victims and witnesses from intimidation.

Eight attorneys general reported that their states require restitution of the victims losses unless the court provides specific reasons for failing to require it. For example, in Kentucky, in addition to any other penalty, the court must order the defendant to make restitution for the full amount of the damages unless the damages exceed one hundred thousand dollars. Instead of ordering monetary restitution, the court may order the defendant to make restitution by working for or on behalf of the victim.

The majority of state attorneys general indicated that their states either had enacted legislation or that legislation was pending with regard to the development and implementation of guidelines for the fair treatment of crime victims and witnesses. A vast majority of responses also indicated that legislation was enacted or pending prohibiting a criminal from making any profit from the sale of the story of his crime.

Twenty attorneys general stated their jurisdictions had enacted legislation ensuring that sexual assault victims are not required to assume the cost of physical examinations and material used to obtain evidence. Five attorneys general replied that such legislation was pending.

The survey asked each state attorney general to indicate whether state bail laws were amended to allow courts to deny bail to persons found by clear and convincing evidence to present a danger to the community. A majority of those participating in the survey indicated such legislation was either enacted or pending. For example, Virginia has enacted legislation requiring that the court have probable cause to believe the victim presents a danger to the community as opposed to the higher standard of clear and convincing evidence.

Fifteen states attorneys general indicated that bail laws have been enacted or are pending that reverse, in the case of serious crimes, any presumptive standard favoring release of convicted persons awaiting sentence or appealing their conviction. In South Carolina and Missouri, such laws only apply to capital cases, however Missouri has a bill pending that would extend refusal of bail to persons posing a threat to the community.

Although twenty-five survey participants replied that their states had not yet considered legislation ensuring that designated victim counseling is legally privileged and thus not subject to defense discovery or subpoena, at least seven states have enacted or are considering such progressive legislation. The Washington state attorney general stated that in certain cases the legal privilege is not absolute and that at times its applicability is left to the court's discretion. Crime victim counseling in California is subject to several potential privileges, including psychotherapist-patient privilege, clergyman-penitent privilege and the sexual assault victim-counselor privilege.

More than half of the attorneys general participating in the survey reponded that their state has enacted, or has legislation pending, ensuring that hearsay evidence is admissable in preliminary hearings so that victims need not testify in person. For example, in Missouri, videotape presentations can be made so that in certain circumstances victims need not testify in person.

Eight states have passed or have legislation pending that abolishes the exclusionary rule as it applies to Fourth Amendment issues. These new laws are, of course, subject to the restriction that they can not infringe upon federal constitutional regulations on the use of evidence.

The survey asked if states had adopted legislation opening parole release hearings to the public. Fifteen attorneys general replied that their states had either adopted or were considering such legislation. For example, in California, certain members of the public are allowed to appear at the prisoner's parole hearing and any person interested in parole of a prisoner has the right to submit a statement of views in support of or in opposition to the granting of parole. In determining whether to release the prisoner on parole, the Board of Prison Terms must review all information received from the public to ensure that the gravity and timing of the offense in issue and the question of public safety have been adequately considered.

The survey indicated that seven states have abolished parole and limited judicial discretion in sentencing. Such legislation was also pending in nine other states. Arizona, which has enacted such legislation, limits its applicability to repeat felons. Maine has not had parole since nineteen seventy-six.

The survey asked each participant to describe any state statute providing for different penalties or otherwise treating crimes committed against the elderly differently from those committed against individuals in other age groups. Of the nineteen state attorney generals confirming the presence of such legislation, the majority reported that the age of the victim is a factor considered in the sentencing of criminals. For example, in New Jersey, the sentencing court must consider "whether or not the defendant knew or reasonably should have known that the victim ...was particularly vulnerable or incapable of resistance due to advanced age...." The court views such knowledge as an "aggravating circumstance" which it must consider in determining an appropriate sentence. Also, in Connecticut, a person assaulting a victim sixty years of age or older is guilty of a felony and receives a five year unsuspendable sentence. An overwhelming majority of those participating in the survey thought favorably of differentiation based on the age of the victim.

In responding to inquiries about additional initiatives to combat crime against the elderly at the federal level, ten attorneys general indicated that they did not believe any changes were necessary. Others desired additional federal funding for local programs to educate the elderly regarding crime and to assist them after a crime has been committed.

The Arizona attorney general suggested enacting mandatory sentences for repetitive con artists. The attorney general reported that there are professional con artists who travel around the country defrauding elderly victims of moneys. Because these are property crimes and involve small amounts of money, federal courts take very little action to deter this type of offender. It is the Arizona attorney general's experience that such an offender has a history of such activity and continues to pursue it once released from prison. The attorney general believes that some temporary protection for the elderly could be afforded if the federal criminal justice system incarcerated such criminals for longer periods of time. The Florida attorney general

suggested curtailment of the abuse of the federal writ of habeus corpus by state prisoners as a means to combat crime against the elderly at the federal level.

CONCLUSION

The results of the survey demonstrate that the state attorneys general are concerned about crimes committed upon the elderly and that their states have taken or plan significant legislative action to ameliorate the situation. An evaluation of the effectiveness of these proposed and completed actions awaits another survey.

HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON AGING

JANUARY 1985 SURVEY: CRIME & THE ELDERLY

STATE GOVERNORS

1. **The Justice Assistance Act of 1984 (P.L. 98-473) established a program of block grants available to states, units of local government and private nonprofit organizations "to assist states and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on violent crime and serious offenders." "Addressing the problem of crime committed against the elderly" is one of eighteen priority areas for grant awards. Federal Register regulations are expected shortly.**

Section 408(a) of the act provides that the governor of each participating state shall designate a state office for purposes of application preparation and funds administration.

A. Do you expect to apply?

B. Whom do you expect to designate for program responsibility?

C. How will your state decide priorities for block grant funds allocation?

D. What priority do you expect that the problem of crime against the elderly will receive in funds allocation?

2. **Does your state have a gubernatorially-appointed task force, commission or similar citizens body to advise the governor on criminal justice matters, including crime and the elderly? If so, please describe its functions and accomplishments and include any descriptive materials.**

Governors Survey
Page Two

3. **Please list and briefly describe all programs and initiatives your office and other state government agencies have underway to aid in the prevention of crime against the elderly and victim assistance. List the agency responsible, source and amount of annual appropriations for each program, and include any descriptive materials.**

4. **Please list any legislative proposals you have issued in the past two years to combat violent crime (e.g., parole, probation and sentencing reform, evidentiary standards, bail and preventive detention, victim's rights) and indicate for each item its status as of December 31, 1984 (i.e., enacted, pending, or not yet considered by state legislature).**

5. **Please list any changes in federal legislation you believe are necessary to assist your state and its localities to combat crime against the elderly.**

* * * * *

PLEASE RESPOND BY JANUARY 25, 1984

Crime Against the Elderly

National Survey

State Governors

In January, 1985, the Select Committee on Aging conducted a fifty-state survey of the nation's governors to determine the degree of gubernatorial participation in the battle of crime committed against the elderly. Because one of the crucial roles of a governor is to establish policy and recommend changes in state law, the survey also asked each governor to evaluate his state's need for additional administrative and legislative changes to better cope with the problem of crime and the aging. Thirty-eight governors participated in the survey, consisting of five questions, although each governor did not repond to every question in the survey. This paper discusses the survey's most significant results.

The first question, divided into four parts, addressed the Justice Assistance Act of 1984 (P.L. 98-473). The Justice Assistance Act establishes a program of block grants available to states, units of local government and private non-profit organizations "to assist states and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on violent crime and serious offenders." "Addressing the problem of crime committed against the elderly" is one of eighteen priority areas for grant awards. In addition, section 408(A) of the Justice Assistance Act provides that the governor of each participating state shall designate a state office for purposes of application preparation and funds administration.

Part A of the first question in the survey asked each governor if he expected to apply for a block grant under the Justice Assistance Act of 1984. Thirty-one of the governors replied that they planned to apply for a grant and four governors reported that they were not yet certain if they planned to apply. Only two state governors indicated that they did not plan to apply—no reasons were given, but one of the governors indicated that his decision not to apply was only applicable for the current fiscal year.

Part B of Question One asked the governors whom they expected to designate for program reponsibility. In response, thirty-four governors indicated that various state agencies were assigned the responsibility for the program. Examples of these selected agencies included the attorney general's office, the motor vehicle department, and public safety, criminal justice, and law enforcement groups.

Part C of the first question asked how each governor's state would determine its priorities for block grant funds allocation. Eleven of the governors participating in the survey indicated that this determination was not yet made. The remaining responses were varied—many governors indicated that priorities would be based on the recommendation of the agency designated for program responsibility (see discussion of part B of question one). Others indicated that the decision-making process would be aided by such mechanisms as advisory boards, assessing existing state agencies, and means testing.

Part D of the first question asked what priority crime against the elderly would receive in funds allocation. An overwhelming majority of governors indicated that they had not yet determined the priority that crime against the elderly would receive. On the brighter side, six governors reported that crime against the elderly was a high priority in their states. Also, it was encouraging to note that although the state of Arkansas had not yet established its priority, Arkansas' governor stated that crime against the elderly was a "very real concern" in light of the median age of the state's population. In addition, Governor Gardner of Washington State indicated that although crime against the elderly would not be a priority in 1985, such a determination was an exception to future years because of a serial murder case the state was attempting to solve.

Question Two in the survey asked the governors if their state had a gubernatorially appointed task force, commission, or similar citizen-body to advise the governor on criminal justice matters. Thirty governors responded that their respective states did have such an advisory body. Many of these task forces were reported to hold regular hearings on crime and the elderly, issuing reports and recommendations for local use as well as the education of the elderly.

Interestingly, several of these advisory groups contained separate aging divisions. For example, Louisiana has two agencies, the Governor's Office of Elderly Affairs and the Aging Advisory Board. These agencies concern themselves with general problems of the elderly, including crime against the elderly. Another example is West Virginia, which created the Commission on Aging, empowered to study aging problems and make recommendations to the governor and the legislature. This commission prepared a study in 1984 specifically addressing crimes committed against the elderly. Also, it was encouraging to observe that only seven governors indicated that their state had no gubernatorially appointed body advising the the governors on criminal justice affairs.

The third survey question asked each governor what programs and initiatives the governor's office and other state government agencies had developed for victims assistance and aid in the prevention of crime against the elderly. Frequent responses included elder abuse task forces, police programs to educate the elderly, newsletters to the elderly addressing crime, victim's compensation, and consumer protection programs dealing with fraud committed against the elderly. Although several governors reported that no particularly well tailored programs had yet been developed to meet the needs of the elderly, the general programs provided by these states included the elderly as part of the population covered under the programs.

In response to the fourth survey question, which asked the state governors to list any legislative proposals issued in the past two years to combat violent crime, an overwhelming majority indicated that their state had submitted such legislation for consideration. Typical proposals relevant to the issue of crime and the elderly included legislation that would: (1) increase penalties for elderly abuse; (2) increase victim's compensation rights; (3) build new prisons and (4) impose mandatory sentencing for crimes committed against the elderly.

Of particular note was the survey from Iowa's Governor Branstad. Governor Branstad reported that legislation was introduced to deter crime against the elderly, children, and the handicapped. If a defendant were convicted of robbery, rape or murder, the proposed legislation would require him to serve his entire sentence and pay full restitution, including victims' property loss and medical bills.

Last, the survey requested that the governors list any changes in federal legislation that they believed necessary to assist their states and localities to combat crime against the elderly. More than half of the governors participating in the survey proposed several changes in federal legislation. For example, many governors suggested increasing the penalties for crimes committed against the elderly. Others suggested continuing and increasing funding of block grant programs to the states for victim assistance and programs for criminal justice improvement. New Jersey's governor suggested that legislation be enacted providing for federal census and statistical surveys to assess the extent and consequences of crime against the elderly. Indiana's governor suggested that the language in Section 403(a)(1) of the Justice Assistance Act be amended to emphasize a priority towards crime prevention programs specifically targeted towards the elderly.

CONCLUSION

Preliminary results of the nationwide governors survey assessing the problem of the criminal victimization of older Americans are encouraging. The majority of survey participants indicated a strong commitment to aid in the prevention of crime committed against the elderly. If such promising trends continue, our nation's senior citizens should be significantly better protected against crime.

HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON AGING

DECEMBER 1984 SURVEY
CRIME & THE ELDERLY

STATE UNITS ON AGING

1. Section 321(a)(4)(C) of the Older Americans Act allows TitleB funds to be spent for "services designed to...prevent unlawful entry into residences of elderly individuals, through the installation of security devices through structural modifications or alterations of such residences." Section 321(a)(13) allows funds to be spent for "crime prevention services and victim assistance programs for older individuals."

A. How does your current state plan address these provisions? If it does not, why not?

B. How many area plans in your state address these provisions and how do each of them do so?

C. Please estimate the amount of Title IIIB funds spent annually pursuant to these provisions by the state and each area agency on aging.

D. Please indicate the source and amount of non-Older Americans Act funding for crime prevention and assistance services administered through the state and area agencies on aging.

2. A. How do the periodic needs assessment surveys and other planning processes conducted by the state and area agencies ensure that the crime-related concerns of older individuals are taken into account?

Survey
Page Two

B. How do crime-related concerns rank relative to other needs expressed?

3. Section 305 requires state units on aging to "serve as an effective and visible advocate for the elderly by reviewing and commenting upon all State plans, budgets and policies which affect the elderly and providing technical assistance to any agency, organization, association or individual representing the needs of the elderly." How does your office fulfill these responsibilities relative to crime and the elderly?

4. What other programs or initiatives on crime and the elderly are you aware of at the state and local levels?

5. Do you believe that state and area agencies on aging should play a larger role in elderly crime prevention and assistance? How?

6. What other recommendations do you have to combat crime against the elderly (e.g., penalties, sentencing, corrections, judicial administration)?

* * * * *

PLEASE RESPOND BY JANUARY 25, 1985

Crime Against the Elderly

National Survey

State Units on Aging

Despite massive efforts by federal, state and local governments, crime against the elderly remains a pervasive national problem. While elderly victimization rates are no higher than those of the general population, older victims have much greater difficulty recovering from a criminal incident.

The Select Committee on Aging conducted a fifty-state survey of the state units on aging to assess state and local government activities in the area of crime and the aging, and to evaluate the need for further administrative and legislative changes to cope with this problem. Forty-one state aging units responded to the survey, although not every unit answered every question in the manner requested. This paper discusses the survey's most significant results.

The first question in the survey was divided into four parts and concerned two provisions in the Older Americans Act— Section 321(a)(4)(C) of the Act permits Title III-B funds to be spent for "services designed to... prevent unlawful entry into residences of elderly individuals, through the installation of security devices through structural modifications or alterations of such residences." Section 321(a)(13) allows funds to be spent for "crime prevention services and victim assistance programs for older individuals."

Part A of the first question in the survey asked each state aging unit how its current state plan addressed the above two provisions of the Older Americans Act. Twenty-nine state units replied that their plan did not specifically address either provision. The reasons cited included: (1) crime against the aged is given a low priority; and (2) senior citizens did not voice concern about crimes committed against the elderly.

Twelve state aging units reported that their state plans did address the two provisions of the Act. Examples of such plans include: (1) administration programs at a local level, including installation of security devices or hosting workshops; (2) advice to senior citizens; (3) development of legal service contacts; and (4) technical assistance and training in protective services.

Part B of Question One asked how many area plans in each aging unit's state addressed the two provisions of the Older Americans Act. Almost half of the state units participating in the survey responded that their states have such plans. The number of area plans per state ranged between two and fifty. Most plans provide educational measures such as workshops, police programs, and Neighborhood Watch programs. For example, nineteen of the twenty-one area plans offered in New Jersey offer assistance to the elderly through Advocacy Assistance, Legal Services, Emergency Assistance, Protective Services and Residential Repair Programs. Included within the scope of these services are efforts to assure home safety and assistance with any problem that exists as a result of crimes inflicted on an elderly person.

Six of the state units participating in the survey replied that they were single-state agencies whose state plan replaced area plans. Sixteen state units indicated that they had no area plans in their states addressing either Section 321(a)(4)(c) or Section 321(a)(13) of the Older Americans Act. For example, the Mississippi aging unit reported that its area plans do not address the two provisions because unlawful entries are not a significant threat in the state. The Alabama aging unit responded that all of its area plans have needs assessments and public hearings and that crime against the elderly is not a significant enough factor to be considered by any of the area plans.

Part C of the first question in the survey asked each state unit to estimate the amount of Title III-B funds spent annually by the state office and each area agency on aging pursuant to the two provisions of the Older Americans Act. Eighteen state units replied that no funds were spent. Several units responded that although funds were not spent specifically for services under the Act, crime prevention programs were provided under other educational functions. Mississippi, with a primary emphasis on fraud, is an example of such an unit.

Eleven of the state aging units participating in the survey reported spending Title III-B funds annually in amounts ranging from two thousand dollars to four hundred thousand dollars. For example, the state of Ohio spent almost four hundred thousand dollars on programs such as Home Maintenance, which provide services such as replacing locks and securing doors and windows to help safeguard against burglary.

Part D of Question One asked the state aging units to indicate the source and amount of non-Older Americans Act funding for crime prevention and assistance services administered though the state office and each area agency on aging. An overwhelming majority of state aging units reported that there was no funding available other than that provided by the Older Americans Act. On the brighter side, twelve units indicated that some alternative funding was available in amounts ranging from four thousand to one hundred and twenty thousand dollars. The sources of the funding included state discretionary funding, elderly housing security guard programs, and Title XX Social Services Block Grant.

Part A of the second question in the survey asked how the periodic needs assessment surveys and other planning processes conducted by the state and area agencies ensure that the crime-related concerns of older individuals are taken into account. Many state units responded that public hearings held prior to the submission of state and area plans provide a forum for the expression of such concerns. Other units reported use of need assessment surveys that asked respondents to rank certain categories of concerns, including crime related questions.

Part B of the second question in the survey asked how crime-related concerns ranked relative to other needs expressed for the current planning cycle. Thirty-two of the state units responded that crime-related concerns ranked low relative to other needs. Six units assigned a high priority rating to crime-related concerns.

The survey also asked whether the priority the state unit applied to crime-related concerns was higher or lower than in previous years. Although most of the units participating in the survey failed to indicate whether there was a change in priority compared to previous planning cycles, many of those that responded with a low priority rating reported that despite this low rating, crime incidences against the elderly were of higher concern than in past years.

Section 305 of the Older Americans Act requires state units on aging to "serve as an effective and visible advocate for the elderly by reviewing and commenting upon all state plans, budgets and providing technical assistance to any agency, organization, association or individual representing the needs of the elderly." Question three of the survey asked how the state aging unit fulfilled these responsibilities relative to crime and the elderly. The units' varied responses included: (1) review of proposed legislation; (2) talk shows by law enforcement officers addressing crime prevention techniques; (3) training sessions for law enforcement officers regarding Adult Protective Services and (4) educational programs and literature prepared for senior citizens.

The fourth survey question asked each state unit what other programs or initiatives on crime and the elderly it was aware of at state and local levels. Frequent responses included escort services, hearings, task forces as watchdogs for the elderly, literature distribution, Neighborhood Watch, police workshops, and films.